Preserved

P54

App. F. IX-4.

1919.

Previous references. (Police)

File No. 99 - 19

Serial Nos. 4 to 13

Later references.

Legis 24-23 (1-3)

Preserve
M. 15/11/42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Secr.

Part B for November 1922.

SUBJECT

Copy of circular No 2978 16-2-1920 from the Govt of India regarding the question of amending the Criminal Tribes Act III of 1911 and the conclusions arrived at the conference held at Delhi in December 1919.

Further action taken in Legis file

24 of 1923 Nos 1-3.

Manaswamy Iyengar
8-11-1926.

G. R. S. III—1] 1919. 17289

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 99-19

FILE HEADING.

Control and reformation of Criminal Tribes in India.

From

The H. A. Resident in Mysore.

No. 2460 Dated 18-3-1920 Received 20-3-1920

Diary No. 17219.	Enclos. 3	Spare Copies. —	Serial No. 4

BRIEF ABSTRACT OF LETTER.

Forwards for information copy of circular letter No. 297. d/ 16-2-1920 from the Govt of India Home dept & its enclosure regarding the question of amending the Criminal Tribes Act III of 1911 & the conclusions arrived at the conference held at Delhi on 9th, 10th & 11th [illegible]

NOTES AND ORDERS.

Submitted for orders.

SGPR 24/3 Please see flags in the file circulated hereto.

SGPR 27/3 Please put up the letter to G. G. P. forwarding for perusal

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Police File No. 79 of 1919.

1719

(2

Serial No.	
	To Govt. Madras
	4) Draft Subd. D. M. 31/3
	SRB 5/4 JM 6/4
	5) For appd. D. M. 7/4
5546 7.4.20	III Member 6) Appd Secy 9/4/20
	7) Issues D. M. 9/4
5	To The G. G's Police No. G 23600 dt 14-4-1920.

Forwards for perusal and return copies of ~~another~~ circular letter with its enclosures re the question of amending the Criminal Tribes Act III of 1911 and conclusions arrived at the Conference.

Govt. of India 1920

NOTE—Contn. sheet.

19979 (3

G. R. S. III-2)

General and Revenue Secretariat. | Police File No. 97 of 1919.

Serial No.	
6	From the F. A. Resident No. 3976 d/ 4th May 1920 Forwards for information a copy of Cellr No. 593 d/ 3rd April 1920 from the Addl. Secy to the Govt of India regarding the observations made by the Governor General in Council on the recommendations made by the Conference held at Delhi in Dec 1919 on the question of amending the Criminal Tribes Act, 1911. Submd with a draft forwarding a copy to the D.G. of Police. SBB 6/5
7	From the D. G. of Police. No. ROC. 1984/19-20 d/ 12-14-5-1920 Forwards his opinion on the suggestions and recommendations made during the conference in December last. The D. G. P. states that action has to be taken to surround wandering gangs over fixed dat

NOTE—Contn. sheet.

Serial No.

in view to cause them to return to their original places and to demand rendition of members of criminal Tribes by an enactment of Law:

10) He considers that offences committed by the criminal Tribes should be made cognisable

11) A copy of the Proceedings is asked for, for reference in his Department.

12) Submd for orders.

21/5 13) orders are also solicited as regards the draft already put up, referred to in para 8 supra.

1/6 14) It will be seen from para 2 of the Govt of India letter no 593 that the question of amending the criminal Tribes Act is still under consideration.

Addl 1/6

15) Send the copy in the file desired for its return after taking copies

To The D. G. of Police.
No. G-17294 dt 11-6-1919. D. M.
Forwarded copy of enclosure as desired with the

16) Draft submd with reference to para 16. Draft ordered in para 15 is under issue separately

1/6 17) Make issues accordingly

D. M. 21/6

out of 3 copies sent one has been returned to the Secretariat by the A. S. & the 2nd is in the file

NOTE—Contn. sheet.

9517
2334

G. R. S. III-21

General and Revenue Secretariat. | Police File No. 99 of 1919

Serial No.

4 From the I. G. of Police.
No. ROC 2984/19-10.d/
24/22nd June 1920.

Acknowledges receipt of copy of letter forwarded with Sl 8 re question of amending the Criminal Tribes Act and requests to be furnished with a copy of the Proceedings during the conference held at Delhi in December last.

1) Submitted
A draft forwarding the copy of the said Proceedings for taking copies therefrom and its return thereafter is under issue.

2) This will be included in that file.

2a) Please put up the copy wanted, if it is traceable.
SBR 23/6

SBR 24/6 3) Copy required by the I. G. of Police has been sent to him as can be seen from the abstract on the next page. This has issued with reference to para 15.

SBR 6/7 23) Submitted for perusal
1922 24) Please put up a note on the further action to be taken
D 22/7

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat.

Police File No. 99 of 191 19

2151/23341

Serial No.	
10	To The S.P. Police No. 28295 dt. 26-6-1920. Forwards a copy of the Proceedings of the conference and requests that the same may be returned after taking necessary copies therefrom.
	Sec. Bl. 2 for a fortnight. 7
	25) With reference to the Asst. Secy's order on the last page, it is submitted that no further action seems necessary until we hear again from the Govt. of India regarding the amendments to the Criminal Tribes Act referred to in para 2 of their letter no 593 dt. 3.4.20.
	26) Papers will be filed after return receipt of the copy of the Prop sent to the S.P. with Sl. 10 above.
	27) Please keep up after the receipt of the Prop.
	28) Sealed 29/8/20. Draft sealed calling for the return of the Proceedings.
	30) Issued.

Sec. Bl till 15/8/20

PROTECTION BRANCH. AUG 1920

PROTECTION BRANCH. 25 AUG 1920

No. of Memo 1483 dt. 31-1-21.

NOTE—Contn sheet

2708 (7

G. R. S. III-2)

General and Revenue Secretariat. | Police File No. 99 of 1919.

Serial No.	
11	From the Secy to the Resident No. 768 d/ 10th January 1922 invites reference to Sl 4 and requests that a brief resumé of action taken by the Durbar in the matter may be furnished at an early date for communication to the Govt of India.
31)	The D. G. of Police has already furnished his opinion in his letter No. Roc 2984/19-20 d/ 12/14th May 1920 (Sl 7 supra)
32)	Submit for orders whether his suggestions regarding Part III might be communicated to the Residency
33)	The copy of Proceedings sent to the D. G. P. does not appear to have been returned. A. D. O. reminder is put up for approval.
34)	Issue the D.O. + after receipt, please put up as without the proceedings, drafting a suitable reply may not be easy.

Issued No. J 3620 d/ 25. 1. 22

NOTE—Contn. sheet

G. R. S. III-2]

General and Revenue Secretariat.

Police File No. 99 of 19 19

4133

Serial No.	
12	From the S. G. of Police. No. ROC 2984/19 d/ 4 & 6. 2. 192 Returns the copy of Pro ceedings relating to control a reformation of Criminal Tri in India.
31	Recd with reference to paras 32 34.
	See 7/2 8/2
	36 One more reminder received from the Residency 20th Jan 1922 asking for reply in the matter.
	In their letter dated 20th January 1921, the Residency have asked for a report on part III of the Summary of Recommendations made by the Conference Communication to the Govt of
	38 The S. G. of Police who was consulted in the matter has furnished his opinion on this part of

Brought back from Secy's table

B 9/2

Brought back from the Asst Secy's room on the 25th Jan 22

25/1/22

C

NOTE—Contn. sheet

G. R. S. III-2.

General and Revenue Secretariat.

GAD File No. 99 of 1919

Serial No.

the recommendation as well as on those in the Hyd parts I. & II.

3) The G. of I. has proposed certain amendments to the Criminal Tribes Act 1911 (of the Govt of India) as suggested by the Cmttee. It is not clear whether the means & Correspdg amendments being made to our Regn VII of 1906 re Control of Criminal Tribes and whether legislation should be undertaken in this behalf before the Govt of India Act has been amended.

4) The Criminal Tribes Regn VII of 1906 has been in operation from the 14th Dec 1916.

5) Asked for orders as regards the reply to be given to the Resy

Hyd 4/8/22

6) The Residency would like to be informed of any action taken on Part III of the Summary of Recommendations. Beyond obtaining the H's views in regard to all the parts, mentioned in all the parts (I. II. VII,

NOTE—Contn. sheet.

Serial No.

of the Summary, no further action has been taken on any point. Nor was any such action possible since the Govt remarks about the items included in Part III involved amendment of the Br Indian Criminal Tribes Act – a question which was, at that time, under the consideration of the Govt of India. For any amendment to the Bihar Criminal Criminal Tribes Regulation; the passing of an amending Act in Br India will have to be awaited

4-3) The view of the GP in regard to Part III of the Summary may perhaps be communicated to the Residency, with the observation that the amendment of the law in Br India is awaited, before taking any action in the matter

4-4) Recommendations and suggestions for amending the Regn. are Regn already contains some of these. others are necessary, as the Govt reports. But, I believe, it is better to await the passing of the Act in Br India, before taking action. The Act likely to contain all the recommendations. In the present, any [illegible]

NOTE—Contn. sheet.

G. R. S. III-2)

General and Revenue Secretariat. | Pol. & Secret File No. 99 of 1919.

Serial No.
May be put up. After the Viceroy's approval of the situation, we will, if necessary, take up the question of amending the Regn. Cary 17.8
1) Draft Secret. SBR 16/8 ABR 24/8 2) Please type & put up Cary 25/8
3) A typed copy of the draft has been put up. SBR 29/8 ABR 29/8 for approval Gen Secy Cary 30/8
Second Member & Dewan 30/8/22 Cary 30/8 Salaam:
4) The draft may be put up in Persian. Please state what recommendations made have already been provided for & in regard to which you appre to withdraw & what is to be Amended & then. Please put up a revised draft. Sd/- A. S. B. 1/9/22 1/9 Cary 1.9.22

NOTE—Contn. sheet.

[R. S. III-2]

General and Revenue Secretariat.

For File No. 69 of 1919 — 1976

Serial No.	
50)	Revised draft put up
51)	please [illegible] draft & put up
	[illegible]
	Second Member
52)	Draft approved
	17/11/22
53)	Draft approved
13	To The Secy to the Resident No. 4809 29.11.22

With reference to H.I. proforma of the action proposed to be taken in the matter

further notes continued in Legis file 24 of 1923 sls 1 to 3.

NOTE—Contn. Sheet

F. R. S. III-2]

General and Revenue Secretariat.	File No.	of 19 .
Serial No.		

MYSORE RESIDENT'S OFFICE,

Bangalore, 18th March 1920.

No. Pol 1222 2410 Enc 3

1729

Police 99-14-1

A copy of the marginally* noted letter, with enclosure, is forwarded, with compliments, to the Chief Secretary to the Government of H. H. the Maharaja of Mysore, for information, in continuation of endt. from this office No. 9374, dated the 26th November 1919.

*No. 297, dated 16th February 1920 from the Govt. of India, Home Dept.

First Assistant Resident.

R. O. 178.—R. P. B.—1-1920.—1,000.

NOTE—Contn. sheet.

No. 297.

FROM

A. MACLEOD, ESQ.,

Under Secretary to the Government of India.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS.
HOME (JUDICIAL) DEPARTMENT.

„ SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

„ CHIEF SECRETARY TO THE GOVERNMENT OF THE
UNITED PROVINCES

„ REVENUE SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BURMA.

„ CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA.

„ CHIEF SECRETARY TO THE CHIEF COMMISSIONER
OF THE CENTRAL PROVINCES.

„ CHIEF SECRETARY TO THE CHIEF COMMISSIONER OF ASSAM.

„ HON'BLE THE CHIEF COMMISSIONER AND AGENT TO THE
GOVERNOR-GENERAL IN THE NORTH-WEST FRONTIER
PROVINCE.

„ CHIEF COMMISSIONER OF COORG.

„ CHIEF COMMISSIONER OF DELHI.

Home Department.
Police.

Delhi, the 16th February 1920.

SIR,

WITH reference to the correspondence ending with your letter / (telegram) ( ) To United Provinces, Burma, Bihar and Orissa and Assam only.

Madras 2775, dated the 29th November 1919,
Bombay 10388, dated the 4th December 1919,
Bengal 4085-P. J., dated the 27th November 1919,
United Provinces 1568-R., dated the 3rd December 1919,
Punjab 26140-J., dated the 26th November 1919,
no. Burma 71-C., dated the 4th December 1919, I am directed to forward
Bihar and Orissa 472-P. P., dated the 5th December 1919,
Central Provinces 241-A./V., dated the 27th November 1919,
Assam 10502-J., dated the 28th November 1919,
North-West Frontier Province 4658-G., dated the 10th December 1919,
Coorg 358-C., dated the 8th December 1919,
Delhi 7315-Home, dated the 3rd December 1919,

a copy of the proceedings of the Conference held at Delhi on the 9th, 10th and 11th December 1919 to consider the question of the amendment of the Criminal Tribes Act, III of 1911, together with a summary

of the conclusions arrived at. The Government of India will consider the recommendations of the Conference and a further communication will be sent to the Government of Madras etc. / you in due course.

I have the honour to be,

SIR,

Your most obedient Servant,

A. MACLEOD,

Under Secretary to the Government of India.

No. 298.

A copy, with a copy of the enclosures, is forwarded to the Foreign and Political Department for information.

By order,

A. MACLEOD,

Under Secretary to the Government of India.

SGPI, Delhi—1439 H D—17-2-20—367.

G. S. VI—G/32]

SUBJECT.....

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.....

Diary No. of letter replied to 1219

GENERAL AND REVENUE SECRETARIAT,
(Police)
, *the* 191

Date of issue 14/4

Signed by H' P.M.

Section Police
File No. 99-19
Serial No. 5

No. G 23600
Encls 2

To

The D. G. of Police.
in Mysore.

Sir,

I am directed to forward herewith for your perusal & return copy of circular letter No. 297 d/ 16th Feby 1920 from the Govt of India Home Dept with enclosure regarding the question of amending the

over.

Criminal Tribes Act - III
of 1911 & the conclu-
sions arrived at the conference
held at Delhi on the
9th, 10th & 11th Dec 1919.
Your opinion on the points raised may
also be furnished.

I have &c

D. III
7/4

For Chief Secy

SK
7/4
6/4

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11-16

G. R. S. III-2

6

General and Revenue Secretariat. | File No. of 19

Serial No.

Ch Secy all
4/5

Encl:- 3.

MYSORE RESIDENT'S OFFICE,

Bangalore, 4th May 1920

No. 3576 Pol 1488 Y. of 19 Police 49 Pol 49 2d 6

4979

with 2 spare copies

A copy of the marginally* noted letter, ~~with enclosure~~, is forwarded, with compliments, to the Chief Secretary to the Government of H. H. the Maharaja of Mysore. for information, in continuation of endorsement from this office No. 2410 dated the 18th March 1920.

*No. 593 dated 3-4-1920 from the Additional Secretary to the Government of India, Home Department.

D. M. 4/5

5 May 1920

for *First Assistant Resident.*

CVV.
MC

R. O. 178.—R. P. B.—1-1920.—1,000.

NOTE—Contn. sheet.

No. 593.

FROM

H. D. CRAIK, ESQ.,

Offg. Additional Secretary to the Government of India,

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
HOME (JUDICIAL) DEPARTMENT.

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

THE CHIEF SECRETARY TO THE GOVERNMENT OF THE
UNITED PROVINCES.

THE REVENUE SECRETARY TO THE GOVERNMENT OF THE
PUNJAB.

THE CHIEF SECRETARY TO THE GOVERNMENT OF BURMA.

THE CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR
AND ORISSA.

THE CHIEF SECRETARY TO THE CHIEF COMMISSIONER
OF THE CENTRAL PROVINCES.

THE CHIEF SECRETARY TO THE CHIEF COMMISSIONER
OF ASSAM.

THE HON'BLE THE CHIEF COMMISSIONER AND AGENT
TO THE GOVERNOR-GENERAL IN THE
NORTH-WEST FRONTIER PROVINCE.

THE CHIEF COMMISSIONER OF COORG.

THE CHIEF COMMISSIONER OF DELHI.

Simla, the 3rd April 1920.

Home Department.
Police.

SIR,

With the Home Department letter no. 297, dated the 16th February 1920, a copy of the proceedings of the conference held at Delhi in December last to consider the question of the amendment of the Criminal Tribes Act, 1911, together with a summary of the conclusions arrived at, was forwarded to the Government of Madras, etc. / you for information. I am now directed to communicate for the information of His Excellency the Governor in Council / His Honour the Lieutenant-Governor in Council / the Hon'ble the Chief Commissioner / your information the observations of the Governor General in Council on the recommendations made by the conference.

2. The conference dealt with two main questions, *viz.*, first, the amendment of the Criminal Tribes Act to remedy certain defects which experience has brought to light, and secondly, the policy to be followed in administering the Act. The question of amending the Act is being considered, and a further reference may be made to local Governments later on regarding some of the amendments which have been proposed. The object of the present letter is to state the policy which the Government of India have decided to adopt in future with reference to the administration of the Act.

3. I am to make it clear at the outset that it is not the intention of the Government of India to interfere with the discretion of local Governments in regard to the detailed administration of the Act, but to leave them absolutely free as heretofore to manage their own affairs. The Government of India have accordingly rejected the proposal, which was strongly pressed on them in certain quarters, that a special officer should be appointed at the headquarters of the Government of India to co-ordinate the work of the local Governments and they have also rejected the suggestion that general rules should be framed by the Government of India for the guidance of local Governments in administering the Act.

4. On the other hand, the conference recommended that the Government of India should indicate to local Governments their general policy in regard to matters affecting more than one province, and the Government of India have decided to act upon that recommendation, leaving it to local Governments to adopt the policy indicated or not, as they think fit.

5. The first, and perhaps the most important, general question is the migration of criminal tribes from one province to another. On this point the Government of India accept the conclusion of the conference that members of a criminal tribe going from one province to another should be obliged to report themselves to the authorities in the second province. The Government of India are considering further whether this should be effected by a general rule issued by the Government of India or by rules made by the local Governments. In the event of a general rule being issued, the local Governments may rest assured that it will in no way interfere with their discretion in working the Act in a way suited to local conditions.

6. Another important question is the extent to which Government should control and supervise privately managed settlements. The Government of India accept the conclusion of the conference that there should be some form of control by Government and they consider that where possible that control should be exercised by special officers, so as to ensure continuity of policy. The degree of control must necessarily vary, but in the opinion of the Government of India it is essential it should ensure :—first, the effective prevention of crime ; secondly, that the men are properly treated in the matter of wages, housing, etc. ; and, thirdly, that sustained efforts are made to reclaim them.

7. The proceedings of the conference show that in some provinces private bodies in charge of settlements have suffered some inconvenience owing to the different methods by which Government grants are given and owing to the necessity of submitting the accounts of their settlements to Government audit. The Government of India accept the view of the conference that grants to private bodies for recurring expenditure should be either in the form of a lump sum (to be fixed annually or at less frequent intervals) or a capitation grant, and that the accounts should be inspected only by the special officer, where such an officer has been appointed.

8. Another question in which much interest was taken by the conference was that of the respective merits of industrial and agricultural settlements. The view of the majority of the delegates was that while in some provinces industrial settlements are more suitable, in others agricultural settlements are very successful. Where agriculaural settlements are established, the Government of India accept the view that there should be some form of industrial employment to fall back on in years of famine. As regards industrial settlements, it is impossible to lay down any hard and fast lines of management, but the Government of India consider it desirable that :—

(*a*) residential enclosures should never be on the employer's property but always on Government property ;

(*b*) the inmates should be given the same wages as free labourers, with bonuses ;

(*c*) they should have the option of taking a reasonable number of holidays in a month, say up to 6 days ;

(*d*) their families should be allowed to stay with them in the settlement ;

(*e*) no one employer should have a monopoly of the labour of a settlement.

The Government of India desire also to call attention to the opinion expressed by the conference that the existing hours of labour in industrial settlements are excessively long.

9. There are no other points on which the Government of India consider it necessary to express their own views but they commend the recommendations of the conference generally for ~~the consideration of the local Government~~ / ~~Administration~~ your consideration.

10. In conclusion, I am to mention that a suggestion was made to the conference that criminal tribesmen from other provinces might be sent to Assam to work in the tea gardens. Some doubt was expressed whether such an experiment would be successful, but if the Assam Administration could arrange matters with other local Governments, the Government of India would have no objection to criminal tribesmen being sent from other provinces to work in tea gardens in Assam and could order their transfer under section 19 of the Act. In that case, however, the Government of India would make it a condition that the coolies should not live in lines under the management of their employer, but in a Government settlement.

I have the honour to be,

SIR,

Your most obedient servant,

H. D. CRAIK,

Offg. Additional Secretary to the Government of India.

No. 594.

A copy is forwarded to the Foreign and Political Department, for information and favour of necessary action with reference to Part III and Part V (1) of the Summary attached to the Proceedings forwarded with the Home Department endorsement no. 298, dated the 16th February 1920.

By order, etc.,

(Sd.) A. MACLEOD,

Under Secretary to the Government of India.

G. M. Press, Simla.—No. 26 HD—15-4-21—120—K.C.M.

Police 99-19-7

No. Office of the

Inspector General of Police in Mysore.

Dated Bangalore 11th May 1920.

From

A. Subramanya Iyer Esquire B.A.,

Inspector General of Police in Mysore.

To

C.S. Balasundaram Iyer Esquire B.A.,

Chief Secretary to the Government of His Highness

the Maharaja of Mysore.

B a n g a l o r e.

Sir,

In reply to your letter No. G. 23600 (2)/Police 99-19-5 dated 14th April 1920, calling for my opinion on the suggestions and recommendations made in the conference held at Delhi in connection with the amendment of Criminal Tribes Act of British India, I have the honor, in returning herewith as desired the original notes of the conference forwarded with your letter, to state that perhaps owing to the Viceregal visit I was not given the opportunity of being present at the conference and partaking in the discussions on the various points raised, and exchanging views, with the other officers present. Had I been present I would have taken notes of the discussions and kept them for reference, as the record of these discussions resolutions, and recommendations, is of importance to the Department, I request to be furnished with a copy of the same.

Regarding the suggestions and recommendations my view on the several points is summarised as follows:-

Part I. Recommendations for amendment of the Criminal Tribes Act 1911.

(1) To include commissioner of Police, in the term of District Magistrate. This is unnecessary. The term District Superintendent of Police may be defined to include Asst. Superintendents of

From

The Inspector General of Police in Mysore.

To

The Chief Secretary to the Government of H.H. the Maharaja of Mysore.

31639

Dated 12th

Despatched 14th May 1920.

Received

General No. Roc 2984/19-20

No.

Enclosure No. 1

Furnishing opinion on the suggestions and recommendations made in the conference held at Delhi in connection with the amendment of Criminal Tribes Act of British India.

Bangalore and Mysore but even this is not necessary now as they are not independent of District Superintendents.

(2) Amendment to section 13 to enable a local Government to restrict the movements of a Criminal Tribe within the area of another local Government. This applies to British India only.

(3) Amendment proposed to sections 16 and 18. The proposed amendment is already embodied in section 18 of our Criminal Tribes Act No. VII of 1916. Section 16 may be amended when the British Indian Act is amended.

(4) Regarding recommendations noted in clauses 1-2-3 i.e. to round up a wandering gang on a fixed date, to have legal power to return a wandering gang to its original place and to demand rendition of members of Criminal Tribe appear to be quite necessary.

5. The recommendation to make offences under Section 22 clause 2 cognizable is necessary. The corresponding section in our Act is section 23.

Part II. Questions to be referred to the Legislative Department for decision whether amendment of the Act is necessary.

(1) It is necessary that the District Magistrate should have power to cancel an exemption. We might await action in British India.

(2) Recommendation to transfer entries of members of Criminal Tribes from one District to another has been provided for in clause 2 of our Rule II made under Section 21 of our Regulation.

(3) This refers to British India only. As regards Indian States please vide my suggestion on part III (1).

(4) It is necessary that there should be power to transfer member of a Criminal Tribe to a penal settlement and amendment would become necessary if it is construed that the word 'like' in clause 18 (b) restricts such power.

(5) (a) and (c). The number of lines differs in our Regulation. We might await action in British India in regard to these alterations.

(b) Tribe includes member also according to definition in the Act. So no amendment appears necessary in my view; but we might await action in British India

Part III. Recommendation made with a view to secure more effective co-operation with Indian States.

(1) It does not appear to be necessary in Mysore for we have borrowed our sections 19 and 20 from the Hydrabad Act, while there is no such provision in the British Indian Act.

(2) This amendment is necessary as we have no settlements in Mysore and perhaps will have none, as the Criminal Tribes Population is not large. It might however be understood that we should not be called upon to pay any grant to the settlements in British India for this purpose.

(3) It is necessary in the light of the argument that, if Indian States should have an efficient Criminal Tribe Act, the Government of India should do their best to help them.

(4) The amendment advocated in the para is already agreed to in Part I (4) (a)(b)(c) supra.

(5,6, and 8) This is not applicable to Mysore where we have introduced the Act.

(7) Vide part III(2) above where I am of opinion that amendment is necessary to enable the Indian States to make over a Criminal Tribe to British Indian settlements.

Parts IV and V.

These are not of interest to us now as there are no settlements in Mysore at present maintained either by Government or

or by private parties.

I have the honor to be,

Sir,

Your most obedient servant,

Supt of Police

Inspector General of Police.

Absent from Head Quarters

G. R. S. VI G/32]

SUBJECT .....

Diary No. of letter replied to 19979

GENERAL AND REVENUE SECRETARIAT
(Police)
, *the* 191 ..

Date of issue 11th June 20

by Mr Rice

Section Police

File No. 99-21 9

Serial No. 8

No. G2794 me

To

The D. G. of Police
in Mysore

Sir,

In continuation of this office Cir Ltr No. G 23600 d/ 14.4.1920, I am directed to forward herewith ~~for information~~ a copy of Letter No. 593 d/ 3rd April 1920 from the Addl Secy to the Govt of India, regarding the observations ~~made~~ by

over.

the Governor General in
Council on the recom-
mendations made by the
Conference held at
Delhi in December 1919
on the question of amending
the Criminal Tribes
Act, 1911, and of the policy
to be followed in administering the Act.

I have &c.

D.

3/6

The Chief Secy

List of enclosures.

Copied

Examined by

No. 2334, 1/2

Roc No. 2984/15-20

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE.
1919-20
B 99-19
22 Sl. No. 9

Bangalore *Dated* 21st June 1920.

Encls.

FROM

A. Subramanya Iyer Esquire B.A.,

The Inspector-General of Police in Mysore.

To

C.S. Balasundaram Iyer Esquire B.A.,

The Chief Secretary to the Government of His Highness

the Maharaja of Mysore.

SIR,

In acknowledging the receipt of your No. G.27294/Police dated 11-6-1920 with thanks, forwarding copy of letter No. 593 dated 3-4-1920 from the Additional Secretary to the Government of India re the observations by the Governer General in Council on the recommedations made by the Conference held at Delhi in December last on the question of amending the Criminal Tribes Act, I have the honor to invite kind reference to my letter No. Roc 2984/1920 dated 14-5-1920 forwarding my opinion on the several points and to request that the copy of the Proceedings of the Delhi conference re the amendment may, kindly be furnished for the use of this office.

I have the honor to be,

Sir,

Your most obedient servant,

Inspector General of Police.

WD A01232- GPB—400—31;7-18

From

THE INSPECTOR-GENERAL OF POLICE IN MYSOR

34[illegible]

To

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

Dated

Despatched 22.6.20

Received

General No. Roc 2984
No.

Enclosure No.

23 JUN

Subject

Re the amending of the Criminal Tribes Act ..

Comply

G: R. S. VI—G/32]

17.

SUBJECT.....

.....

.....

Diary No. of letter replied to .. 2157 / 2364

Section Police
File No. 99-19
Serial No. 10

GENERAL AND REVENUE SECRETARIAT
(Police)
, *the* 191 .

No. G 28795
Encl one

Date of issue 26/6

To The I. G. of Police
in Mysore.

Signed by Mr Roe

Sir,

As desired in your letter No. ROC 1984/19-20 dt 14th May 1920, I am directed to forward herewith a copy of the Proceedings of the Conference and to request that the same may be kindly returned to this office after taking necessary copies therefrom.

I have &c

since spare copies are not available

Under. D. 24/6

for Chief Secy

SBR. 26/6

18

2708

R. O. No. 2.—R. P. B.—11-1921.—5,000.

No. 768 ENCLS. *Dated Bangalore,* 20th January 192 1.. 21

Police 99-19-11

FROM

Major C.T.C. Plowden, I.A.,

SECRETARY TO THE RESIDENT IN MYSORE.

2 To 922

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Subject:- Proceedings of the conference held at Delhi in December 1919 to consider the question of the amendment of the Criminal Tribes Act, 1911 (III of 1911) and the Policy to be followed in administering it.

Sir,

I am directed to invite a reference to my endorsement No.2410, dated the 18th March 1920, forwarding a copy of the above proceedings, and to request that a brief report of any action taken by the Durbar on PartIII of the Summary of Recommendations made by the Conference may be furnished at an early date for communication to the Government of India.

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

CVK.

29.

33359 | 19 1919-20

Police.

No. Roc 2984 E/19

OFFICE OF THE 17-19
INSPECTOR-GENERAL OF POLICE IN MYSORE.
Dated Bangalore, 4th February 192 2/12

From

A. Subrahmanya Iyer Esquire, B.A.,
Inspector-General of Police in Mysore,
Bangalore.

To

S. Hiriannaiya Esquire, MA.,B.L.,
General *Chief Secretary to the Government of His Highness*
the Maharaja of Mysore, Bangalore.

SIR

With reference to your letter No.G.14863/Pol dated the 31st January 1922, I have the honor to return herewith the copy of proceedings regarding control and re formation of Criminal Tribes in India as requested.

I have the honor to be,
Sir,
Your most obedient servant,

Inspector General of Police

No. 297.

FROM

A. MACLEOD, ESQ.,

Under Secretary to the Government of India.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS.
HOME (JUDICIAL) DEPARTMENT.

" SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

" CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

" CHIEF SECRETARY TO THE GOVERNMENT OF THE
UNITED PROVINCES.

" REVENUE SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

" CHIEF SECRETARY TO THE GOVERNMENT OF BURMA.

" CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA.

" CHIEF SECRETARY TO THE CHIEF COMMISSIONER
OF THE CENTRAL PROVINCES.

" CHIEF SECRETARY TO THE CHIEF COMMISSIONER OF ASSAM.

" HON'BLE THE CHIEF COMMISSIONER AND AGENT TO THE
GOVERNOR-GENERAL IN THE NORTH-WEST FRONTIER
PROVINCE.

" CHIEF COMMISSIONER OF COORG.

" CHIEF COMMISSIONER OF DELHI.

Home Department.
Police.

Delhi, the 16th February 1920.

SIR,

WITH reference to the correspondence ending with your letter / (telegram) no. Madras 2775, dated the 29th November 1919, / Bombay 10388, dated the 4th December 1919, / Bengal 4085-P. J., dated the 27th November 1919, / United Provinces 1563-R., dated the 3rd December 1919, / Punjab 26140-J., dated the 26th November 1919, / Burma 71-C., dated the 4th December 1919, / Bihar and Orissa 472-P. P., dated the 5th December 1919, / Central Provinces 241-A./V., dated the 27th November 1919, / Assam 10502-J, dated the 28th November 1919, / North-West Frontier Province 4658-G., dated the 10th December 1919, / Coorg 358-C., dated the 8th December 1919, / Delhi 7315-Home, dated the 3rd December 1919, I am directed to forward a copy of the proceedings of the Conference held at Delhi on the 9th, 10th and 11th December 1919 to consider the question of the amendment of the Criminal Tribes Act, III of 1911, together with a summary

( ) To United Provinces, Burma, Bihar and Orissa and Assam only.

of the conclusions arrived at. The Government of India will consider the recommendations of the Conference and a further communication will be sent to the Government of Madras etc. in due course.

I have the honour to be,

SIR,

Your most obedient Servant,

A. MACLEOD,

Under Secretary to the Government of India.

No. 298.

A copy, with a copy of the enclosures, is forwarded to the Foreign and Political Department for information.

By order,

A. MACLEOD,

Under Secretary to the Government of India.

SGPI, Delhi—1439 H D—17-2-20—367.

I.—Proceedings of the Conference held at Delhi on the 9th, 10th and 11th December 1919, to consider the question of the amendment of the Criminal Tribes Act, 1911, (III of 1911) and the policy to be followed in administering it.

II.—Summary of recommendations made by the Conference.

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Proceedings of the Conference held at Delhi on the 9th, 10th and 11th December 1919, to consider the question of the amendment of the Criminal Tribes Act, III of 1911.

President :

1. The Hon'ble Sir WILLIAM VINCENT, K.C.S.I., Member of the Governor General's Council.

Members :

Representatives of the Government of India.

2. H. D. CRAIK, Esq., I.C.S., Officiating Additional Secretary to the Government of India, Home Department.
3. Major G. D. OGILVIE, Deputy Secretary to the Government of India, Foreign and Political Department (Political)
4. E. H. CORBETT, Esq., Deputy Inspector General of Police (under the Director, Central Intelligence).

Representatives of the local Governments and Administrations.

5.	Madras . . .	G. F. PADDISON, Esq., I.C.S.
6.	Bombay . . .	J. A. MADAN, Esq., I.C.S.
7.	Bengal . . .	T. C. SIMPSON, Esq., Deputy Inspector General of Police, Criminal Investigation Department.
8.	United Provinces . .	A. D. ASHDOWN, Esq., Deputy Inspector General of Police, Criminal Investigation Department.
9.	„ „ .	R. E. COUPLAND, Esq., Officer-in-charge of Criminal Tribes.
10.	Punjab . . .	Pandit HARI KISHEN KAUL, Rai Bahadur, C.I.E., Officiating Commissioner.
11.	Bihar and Orissa . .	The Hon'ble Mr. R. T. DUNDAS, Inspector General of Police.
12.	Assam . . .	B. C. ALLEN, Esq., I.C.S.
13.	Delhi . . .	L. C. GLASCOCK, Esq., Senior Superintendent of Police.

Representatives of Indian States.

(HYDERABAD.)

14. W. A. GAYER, Esq., Director General of Police.
15. M. SHAMSUDDIN, Esq., Superintendent of Police.

(CENTRAL INDIA.)

16.	Bhopal State . .	Captain ABDUS SAMMAD, Political Secretary.
17.	„ „ . .	Khan Bahadur SYED AMJAD HUSAIN, Inspector General of Police.
18.	Central India Agency .	H. G. WATERFIELD, Esq., Assistant Agent to the Governor-General.
19.	Charkhari State . .	SYED GHULAM ABBAS, Superintendent of Police.

20.	Chhatarpur State . .	Pandit SHUKHDEO BEHARI MISRA, B.A., Dewan of the State.
21.	Datia State . . .	T. MOOKHERJI, Esq., M.A., B.L., Chief Judicial Officer.
22.	Dewas State (Senior) .	KESHAVA B. BIDWAI, Esq., Chief Judicial Officer.
23.	Dhar State . . .	P. N. BANNERJI, Esq., B.A.
24.	Gwalior State . .	Lieutenant-Colonel K. N. HAKSAR, C.I.E., Political Member.
25.	„ „ . .	MOHAN LAL KHOSLA, Esq., Officiating Member of Law and Justice.
26.	Jaora State . .	Khan Sahib J. RUSTOMJI, B.A., Chief Secretary and Vice-President of Council.
27.	Jhabua State . .	Rai Bahadur GANESH RAM RAWIT, Dewan of the State.
28.	Rewa State . .	A. G. SCOTT, Esq., Inspector General of Police.
29.	Ratlam State . .	Pandit TRIBHAWAN NATH ZUTSHE, Home Member of Council.
30.	Sitamau State . .	Y. A. THOMBARE, Esq., B.A., Dewan of the State.

(RAJPUTANA.)

31.	Bikaner State . . .	Babu NIHAL SINGH, Chief Judge.
32.	„ „ . . .	Rao Bahadur Thakur BHUR SINGH, Inspector General of Police.
33.	Jodhpur State . .	BHANDARI SARDAR MULL, Superintendent of Police.
34.	Rajputana Agency . .	H. G. RICHARDSON, Esq., Inspector-General of Police and Police Assistant to Agent to the Governor-General.
35.	Sirohi State . . .	MAGAN LAL M. MEHTA, Esq., Judicial Officer and Chief Officer of Police Force.
36.	Tonk State . . .	T. W. WAREHAM, Esq., Inspector General of Police.

(BARODA.)

37.	Baroda . . .	R. J. HIRST, Esq., Commissioner of Police.

(KASHMIR.)

38. Nawab MAULA BAKHSH, Khan Bahadur, C.I.E., Home Minister.

(STATES UNDER THE BOMBAY GOVERNMENT.)

39.	Cutch State . . .	AMRIT LAL G. METHA, Esq., Magistrate.
40.	„ „ . . .	NASHBHERAM G. MEHTA, Esq., Sub-Inspector.

(STATES UNDER THE UNITED PROVINCES GOVERNMENT.)

41.	Benares State . . .	H. R. ROE, Esq., Superintendent of Police.
42.	Rampur State . . .	Sahebzada ABDUL MAJID KHAN, Revenue Secretary.

(STATES UNDER THE PUNJAB GOVERNMENT.)

43. Bahawalpur State . .	Maulvi Sir RAHIM BAKHSH, K.C.I.E.
44. Faridkot State . .	Rai Bahadur GANGA SAHAI, M.A., I.S.O., President, Council of Administration.
45. Jind State	Khalifa MOHAMMAD SADIQ, B.A., LL.B., Officiating Political Secretary.
46. Kapurthala State . .	Khan Bahadur ABDUL HAMID, O.B.E., Chief Secretary.
47. Maler Kotla State . .	Hafiz FEROZUDDIN AHMAD KHAN, B.A., Additional Secretary and Officiating Inspector General of Police.
48. Nabha State . . .	SALIGRAM VARMA, Esq., Military Minister.
49. Patiala State . . .	F. NEWMAN, Esq, Inspector General of Police.

SALVATION ARMY.

50. Commissioner BLOWERS.
51. Lieutenant-Colonel KING.
52. Major BAUGH.

Proceedings of the 9th December 1919.

The Hon'ble Sir William Vincent:—"Gentlemen, we are met here to-day to consider two main questions, first, the amendment of the Criminal Tribes Act and, secondly, the policy to be followed in administering it. I must admit myself that I have very little experience of the actual working of this Act; but I have taken a good deal of interest in it and I look to you gentlemen to supply me with information on any points that may arise. There is one thing that I want to make it clear at the outset. It is possible that there is some fear that the Government of India want to interfere unduly in some way with the discretion of local Governments in the administration of the Act. I can give you an assurance, I may at once say, that this is far from the intention. We only seek information from the local Governments; they will be left absolutely free as heretofore to manage their own affairs: We have neither the knowledge nor the desire to interfere in any way with their discretion.

The list of business before us is rather formidable—a number of amendments to the Act have to be considered, but I do not think that if members will deal with the points with reasonable brevity and succinctness, we shall be detained very long. The method I propose to adopt in dealing with the subject is to take those amendments which are down in the list. Many of these are merely formal and some are essentially matters for the draftsman. If we do not deal with reasonable speed with these, we shall have less time for the more important general questions of policy. After we have dealt with these amendments, I propose to ask any gentlemen here who may wish to put up specific points, to explain them and show how the work is being done in their own provinces and what improvements they think are possible. Having regard to the number of gentlemen present and the extent of the subject, it is obvious that our deliberations will have to be confined very largely to really important matters of principle."

Proposed amendment.

That the term "District Magistrate" be defined so as to mean and include in the case of Presidency towns the "Commissioner of Police."

2. The amendment of section 2 so as to extend the Act to the Presidency towns was then discussed and was generally accepted.

3. The question of amending section 4 was then taken up.

Mr. Simpson (Bengal) explained the object of the Bengal Government's suggestion. It was decided that there was no practical difficulty in applying the section in its present form and that it was unnecessary to proceed with this amendment.

It was decided that it was unnecessary to amend section 4 so as to provide for the registration of persons temporarily absent when registration was ordered.

That the following words be added at the end of section 5:—"but may at any time cancel an exemption granted under this proviso".

4. The amendment of section 5 was next discussed.

Pandit Harikishen Kaul explained that rule 24 of the Punjab rules empowered the District Magistrate to cancel an exemption once granted and to re-register the exempted person.

It was decided to refer to the Legislative Department the question whether this power can legally be conferred by a rule under the Act. If it was decided that an amendment of the Act was necessary, then such an amendment will be made.

That for the words "a notice" in the second line of section 5 the following words be substituted: "such notice as he from time to time deems necessary".

As regards the second suggestion for the amendment of the words "a notice" in section 5, it was decided to refer this point, too, to the Legislative Department.

That section 6 be altered so as to provide that if some only of the members of a tribe transfer their residence to, or are compulsorily settled in, a district other than that of registration the relevant entries in the register may be transferred to the Superintendent of Police of the new district.

5. *Section 6.*—The amendment suggested by the United Provinces Government so as to make it possible to transfer the relevant entries in a register from one district to another when any members of a criminal tribe have transferred their residence or been compulsorily settled in a district other than that of registration, was then discussed.

Pandit Harkishen Kaul explained the object of the amendment.

Mr. Paddison (Madras) explained that in Madras, in the case of registered persons, even when their movements had been restricted under section 12, action was in practice taken under section 7. This action had not been challenged so far, but it is possible that at any future time it might be challenged as illegal.

It was decided that the question of the legality of such action should be referred to the Legislative Department, and if necessary, the Act should be amended so as to make it legal.

That if the proposed amendment of section 2 is adopted, so as to make the Act apply to Presidency towns, consequential amendments be made in sections 6 and 7.

6. *Sections 6-7.*—It was decided that if the Act is amended so as to apply to Presidency towns, the duties of the Superintendent of Police should be undertaken in such towns by "any officer nominated in this behalf by the Commissioner of Police".

7. It was decided that no amendment of section 8 was necessary.

8. *Section 10.*—The Hon'ble Member suggested that the amendment of the words in section 10 (*a*) "at fixed intervals" was unnecessary. This was agreed to.

9. *Section 10 (b).—Place of residence.*—The United Provinces representative explained that under the rules framed under the Act "residence" is defined as the place where the man had passed the previous night and that whenever he changed his residence the man was required to make a report to the police station. The consequence is that between sunset and sunrise, he cannot leave his house because he cannot go to the police station to report. If the man has to go to his fields for the night he has to report to the police before he can do so. It had been judicially held that it is not possible to define the meaning of words in the Act by a rule under the Act, as had been done by defining "residence." The question at issue was how to legalise the action of the local Government.

Mr. Paddison (Madras) then explained the difficulty experienced by his Government. He said that people went out ostensibly to watch their fields at night, and then committed burglaries and returned home in the morning.

The majority of the representatives of the provinces thought that an amendment of the section was unnecessary. It was accordingly decided to drop the suggestion.

That a new paragraph be added to section 10 requiring persons who have been directed to comply with one or both of the provisions of the section, and who leave the jurisdiction of the local Government which issued the order, to report themselves within 12 hours of arrival at a police station within the limits of the Province or State they are visiting, to ascertain the rules in force in that Province or State and to comply with those rules while they remain in that Province or State.

10. As regards suggestion (*c*) made by the Government of the United Provinces regarding section 10, Mr. Simpson explained the desirability of all-India rules on general principles, *e.g.*, the obligation of registered persons to comply with rules in force in any province or State in which they happen to be.

The Hon'ble Member said that the proposal was that people registered under the Act must, if they go to an Indian State, get themselves registered in that State, and that this obligation should be prescribed by a rule made under the Act or by the Act itself. That would amount to Government imposing a law on an Indian State So far as Indian States were concerned, this proposal must, he thought, be dropped. The proper way of enforcing that obligation was by some local law or rule in the State concerned, and this no doubt could be arranged by consent between them and the contiguous provinces.

Messrs. Paddison, Madan and Allen advocated that, as regards British India, there should be a general rule imposing an obligation to register in any province in which a registered person happened to be.

The Hon'ble Member suggested that the procedure should be amended so that a man going from one province to another would have to report himself to the authorities in the second province. It was doubtful whether this should be effected by a Government of India rule or by rules made by the provinces concerned. No general rule made should in any sense interfere with the discretion of the local Government in working the Act in a way suited to local conditions.

The Hon'ble Member suggested that the attention of Indian States might be invited to this principle, so that if they thought fit they might take similar action. He explained that the Act might have to be amended so as to give the Government of India rule-making power.

That after the words "criminal tribe," wherever they occur in sections 11, 12 and 13, the words "or any members thereof" be added.

11. *Sections 11, 12 and 13.*—After some discussion it was resolved that the amendments suggested were purely questions for the draftsman.

12. *Section 12 (a)* —It was agreed that the suggestion for an amendment of section 12 (*a*) was founded on a misapprehension and that no amendment was necessary.

That for the words "a notification" in line 10 of section 12 the words "such notifications as it may deem necessary" be substituted.

(*b*) It was agreed that this was merely a drafting matter.

(*c*) It was decided that this amendment was unnecessary, and that section 12 read with section 25 gave the necessary power of placing a criminal tribe in the area to which it had been restricted.

(*d*) Some discussion took place on this point, and it was resolved by the majority that the amendment was not necessary.

(*e*) The Hon'ble Member stated that the representatives of Indian States would see the grave responsibility that the Government of India would undertake in restricting or placing in settlements persons declared to belong to criminal tribes by any Indian State, without any guarantee that they were men of the class that local Governments would themselves settle or restrict. He felt considerable difficulty about this.

That legislation be undertaken empowering the Governor General in Council to authorize a local Government under section 12 to restrict the movements of, or to settle in the place specified, any tribe, gang, or class, or any part or member thereof, which is declared to be a criminal tribe by any Indian Prince or State.

The representative of an Indian State pointed out that the amendment proposed was only an empowering section.

After some further discussion the Hon'ble Member enquired if the Conference recommended that measures should be taken authorizing the settlement of criminal tribes from Indian States in British India where (1) the local Government wished it; (2) the State concerned wished it; (3) the Government of India were satisfied that the persons to be incarcerated were persons who would in normal circumstances be registered as criminal tribes. This suggestion was accepted by all the members of the Conference.

13. The suggested amendment of section 13, so as to empower a local Government to restrict a tribe to an area within the territories of another local Government or of an Indian State was considered not to be within the competence of the Indian Legislative Council, so far as it affected Indian States.

As regards inter-provincial arrangements, it was decided that the suggestion of the Punjab should be accepted, the consent of the local Government concerned and the Government of India being required in each case.

14. It was decided that the amendment of sections 15 and 16 was unnecessary.

15. *Section 17* (*a*).—This was not supported.

(*b*).—This met with no support.

16. *Section 18* (*a*).—A proposal that section 18 should be amended so as to enable a local Government to authorize officers subordinate to it to exercise the powers described in the section, was unanimously agreed to.

That section 18 be amended so as to enable the local Government to authorize officers subordinate to it to exercise the powers described therein.

(*b*).—Mr. Madan (Bombay) explained the object of the suggested omission of the word "like." The Bombay Government intended to establish a "penal" settlement. Under the section as at present worded the transfer of a registered person from an existing settlement to this penal settlement would be illegal.

That the word "like" occurring before "settlement" in section 18 (*b*) be omitted.

The representative of the Salvation Army considered it desirable that each province should have some sort of penal or reformatory settlement to which inmates of industrial or agricultural settlements who behaved badly could be transferred by way of punishment. He pointed out that one or two bad examples in a settlement might spoil the working of a whole settlement.

The Hon'ble Member thought the Conference would agree that it was necessary to have some form of reformatory or penal settlement, admission to which should be confined to persons who proved intractable under the ordinary treatment and that any such settlement should be so managed that it in no way resembled confinement in a jail; that reasonable liberty to the man and his family should be allowed, and that the local Government should be responsible for seeing that the men were not sent to this establishment save in cases of real necessity. If this in the view of the Legislative Department necessitated the amendment of the word "like" in section 18, then that section should be amended. This proposal was agreed to.

17. *Section 19*.—The Gwalior representative stated his view that the States would not agree to the amendment of this section, so as to enable the Governor-General in Council to transfer criminal tribes or members thereof to a settlement in any Indian State in which a law similar to Act III of 1911, is in force. This was supported by the representatives of Dhar and Bahawalpur and endorsed by Mr. Richardson and Mr. Waterfield and the representatives of many other States. The representative of the Rewa State said that every State would be willing to take back criminal tribes or members thereof originally belonging to the State. It was decided that the amendment should not be proceeded with.

18. It was decided that no amendment of sections 22, 23 and 24 was necessary.

19. The amendment proposed to section 25 had already been dealt with in connexion with amendment (*c*) to section 12.

(The Conference then adjourned till 2-15 P.M.)

(*Afternoon session*)

20. The Hon'ble Sir William Vincent :—"It was suggested to me after the meeting broke up this morning that it would be convenient if we took up first certain points in which the representatives of Indian States are particularly interested These points are stated in paragraph 3 of our letter of 13th November to the local Governments. Mr. Simpson made a proposal this morning that certain broad general rules should be framed by the Government of India under the Act for the whole of British India, excluding of course the Indian States. I should be very glad to hear what members think of this proposal and how far it would be possible to secure uniform administration of the Act, if this can be done without at the same time unduly fettering the discretion of the local Governments. Mr. Booth-Tucker, who is unfortunately not here to-day, took a great interest in this matter. He said that the Act was applied and interpreted somewhat differently in different provinces. He went a little further than that and said that in some provinces individual officers were allowed a power of modifying the general policy of the Government, which was open to question. He was very anxious that there should be an officer at the headquarters of the Government of India to co-ordinate the work of the provincial Governments. I was not much in favour of this last idea myself, because there is always a tendency on the part of an adviser at the headquarters of the central Government to assume control and to address communications direct to the local Governments. And further I do not think that under the Reforms Scheme which will shortly come into operation it will be possible for the Government of India to control the work of the provinces in this matter. The question is whether an inspecting or advising agency with the Government of India would be useful or not in this connexion. If you think that it would not be useful, then I for one would certainly not press for it. On the other hand there are certain general principles which Mr. Simpson thinks, and others think, could be applied throughout India. There is certainly some necessity of a co-ordinating agency by means of which one province could benefit by the experience of another. Some provinces have taken up the work with great zeal and with very great success. Without in any way wishing to belittle the work of other provinces, I may say for example that in Bombay enormous steps have been taken, and in the Punjab and in the United Provinces a great deal has been done. One province may benefit by the experience of another province, while the results of that experience may be lost to other provinces. The provinces that have gained experience could warn the others of possible mistakes and difficulties. I should like to hear how far in your opinion it may be possible to get any uniformity and how far it is desirable."

21. Pandit Harkishen Kaul agreed that some general principles might be laid down by the Government of India to be carried out in all provinces, and also in any Indian States which agree to co-operate, with the assistance of the central officer. It ought to be possible to lay down certain principles as to the classes of settlements and the broad lines on which these settlements should be worked, without going into details as to how every province and every Indian State should work. There should certainly be some measure of reciprocity in the treatment of the tribes, and this no local Government can be in a position to enforce. It should be for the central officer to arrange for the provinces to co-operate. The Indian States bordering on the Punjab had agreed very willingly to co-operate. They had enacted laws similar to Act III of 1911 and have given all possible help.

Mr. Ashdown (United Provinces) considered that it would be difficult for an officer of the Government of India not to interfere with provincial administration of the Act. Such an appointment might cause suspicion among local Governments and would almost certainly do so in Indian States. As regards gaining experience from the results achieved in other provinces,

recently Mr. Coupland was sent to the Punjab and Bombay and examined the systems in force there. As a result the United Provinces had changed their rules and system. On the whole he was against having an advisory officer with the Government of India.

Mr. Dundas (Bihar and Orissa) was also against having an officer with the Government of India on the same grounds as Mr. Ashdown. There were, however, certain general principles which might be laid down. First, members of a criminal tribe found in one province should be sent back to the province to which they belong. Secondly, there should be a special staff to administer the Criminal Tribes Act in each province. That was most important. On the other hand, such questions as education and State *versus* private management should be left to the local Governments to settle.

Mr. Simpson (Bengal) did not think that an official of the Government of India was required if certain general broad rules were laid down. For example broad lines of policy might be laid down for the use of sections 10 and 12. Then in the case of a tribe whose operations extend to more than one province, settlement or restriction, as the case might be, should be uniformly enforced. It was no good one province taking minor action and the other taking major action. If there is to be uniform administration there must be some uniformity in the rules.

Mr. Hirst (Baroda) did not think that any of the States would object to uniform rules on general principles. There should be uniformity of procedure in neighbouring tracts, such as Baroda and Bombay.

Mr. Richardson thought that as regards Rajputana it would be quite impossible for all the States to have uniform procedure. Each State was in a different stage of progress. It was necessary to consider the development and financial resources of each State.

Mr. Allen (Assam) agreed and deprecated anything in the shape of uniform detailed rules. Every province should have a free hand. Indications of policy might be laid down but no detailed rules.

Mr. Corbett (Deputy Director, Central Intelligence) agreed with Mr. Allen. The Director, Central Intelligence, was in favour of an officer with the Government of India.

Mr. Paddison (Madras) was against an advisory officer with the Government of India, though some general principles might be laid down. There should for instance be general reciprocity. A man registered in one province should be automatically held to be registered in the next. Local Governments could not effect that. Uniform treatment of tribes was impossible. Even in Madras parts of one tribe required different treatment owing to differences in moral character.

Mr. Madan (Bombay) agreed with Mr. Paddison, but did not think it necessary to lay down general principles. The criminal tribes differ and the lines of treatment necessarily differed in different provinces. He thought that the local Governments should be allowed to continue work on their own lines.

Mr. Warehouse (Tonk State) agreed with Mr. Richardson.

The representative of the Jhind State thought there was no necessity for laying down general principles. The States and the provinces should be left to work on their own lines.

Representatives of other States expressed similar views.

Commissioner Blowers (the Salvation Army representative) said that Mr. Booth-Tucker held the view that there should be an officer in the Government of India for the purpose of co-ordinating the administration of the Act but not to interfere in matters of detail.

The Hon'ble Sir William Vincent repeated that his own feeling has always been against an officer at headquarters and suggested that the Conference should negative finally the idea of having such an officer and also the idea of rules framed by the Government of India. At the same time the Conference might suggest that the Government of India should issue a letter signifying their general policy in regard to matters affecting more than one province, *e.g.*,

the question of migration from one province to another, but should leave it to local Governments to adopt this policy or not as they thought fit. The letter should not touch on matters affecting the Indian States. In regard to the men who move from one province to another they might suggest, for example, that such people should be obliged to report themselves within a reasonable time to the police of the province to which they migrate. He would like Mr. Simpson, Mr. Coupland and Mr. Madan to work out a general policy on such matters which they think it would be safe and fair for the Government of India to suggest to the provinces.

22. The Hon'ble Member next mentioned the desirability of enlisting the co operation of Indian States in the interests of vigorous and uniform action throughout India; and invited the representatives of the States to express their views on that question.

The Gwalior representative thought that a tribe declared to be a criminal tribe in one provincial administration—including both British provinces and Indian States—should be regarded as a criminal tribe in every other administration. There ought to be no difficulty about this because the criminal tribes are well known. Certain States had not so far proclaimed as criminal certain tribes notoriously criminal, *e.g.*, Moghias, Sansis and Kanjars. Unless all the States united in adopting a uniform schedule concerted action in regard to registration and control of the movements of these tribes would be impossible. The Conference might recommend that the States should be asked to enact legislation on the lines of the Act of 1911. It should be made clear that the Government of India have no desire to force the States to legislate, but it should be pointed out that uniformity of treatment was desirable. Control and reclamation should be kept separate. Control (*i.e.*, the prevention of crime) should come first and for effective control it was essential that a tribe declared to be criminal by one administration should be so regarded by all other administrations. So far as Rajputana and Central India were concerned there is a Criminal Tribes Manual, known as the Mogya Manual, issued with the sanction of the Government of India. That Manual ought to be withdrawn. Four years ago, when the Government of India had the Criminal Tribes Act under consideration, they considered representations from several States in Central India to this effect, but the Government of India were unwilling at the time to go into that question. He also suggested that the Police officers of the States and of the British provinces should deal directly with each other without the intervention of the Political Officer. At present certain States pay a contribution for keeping up a central agency for the control of the criminal tribes. This contribution should cease.

Rai Bahadur Ganga Sahai (Faridkot) said that his State had adopted the Act with small modifications and rules, and so far as further help from the State was concerned, they were willing to give it.

Mr. Newman (Patiala) stated that Patiala had followed the lead of the Punjab Government in regard to their criminal tribes, and proposed to extend their arrangements as soon as they could get more money. He thought that a greater interest on the part of the Government in the activities of the States would be helpful.

The Hon'ble Member said he found considerable difficulty in accepting the proposal that the Government of India should accept as such every person notified as a member of a criminal tribe by an Indian State. He thought himself that it would be a very difficult matter. Members of a particular caste were in one part of a province extremely criminal and in another comparatively harmless. If British India was to accept the description of certain people as criminal, it was essential that the States should have some law approximating to Act III of 1911. If Indian States had such a law and a machinery which the Government of India were satisfied worked well, they would be prepared to recognize as such the people characterized as members of criminal tribes by those States. Speaking on the information before him, which was somewhat meagre, he did not think that general reciprocity in this matter was possible. Some of the States were very small, had no Criminal

Tribes Act, and no machinery for effective control of the tribes. As between the States themselves, it would be idle for the Government of India to say that they must have reciprocity. What the Government were anxious to do was to say to the Indian States that if they would help in this matter by having an effective criminal tribes law and administering it efficiently, then Government would do their best to help them in their administration, *e.g.*, by arresting criminal tribes when they migrated from Indian States into British India.

The Gwalior representative alluded to the difficulty with regard to wandering gangs driven from State to State or from District to State. By the existing policy such gangs were thus provided with opportunities of committing crime instead of being controlled. This was one ground for his proposal that a tribe declared to be criminal by one administration should be so recognized by another.

Mr. Ashdown (United Provinces) said that the United Provinces Government was taking steps to register all the wandering tribes and hoped to do so by next February. They would then restrict them to suitable areas.

Pandit Harkishen Kaul (Punjab) described the simultaneous registration of wandering tribes effected in 1917 and stated that the reciprocal system had been agreed to by the States bordering on the Punjab and worked quite satisfactorily.

Mr. Dundas (Bihar and Orissa) said that it would certainly assist them if they could receive from Indian States men wanted for breach of the Criminal Tribes Act. The extradition procedure was in his opinion a very important point. His Government were also about to undertake the registration of wandering gangs.

The Bikanir representative recited section 28 of the Bikanir Act, which provided that any member of a criminal tribe found within the limits of the State without a pass was to be made over to the District Judge, and if he failed to give his correct residence could be punished with rigorous imprisonment and thereafter turned out of the State.

The Madras representative said that most of the wandering tribes were now registered.

The Bombay representative stated that they also had most of their wandering tribes registered.

The Hon'ble Member said that he gathered that the general view was that provinces which wandering criminal tribes habitually visited should round them up, register them and confine them to specific areas; that the Indian States should be asked to take the same steps in regard to wandering gangs moving about their States instead of pushing them on into another jurisdiction, and that the procedure for the rendition of members of criminal tribes absconding from Indian States into British India and *vice versa* should be simplified. This was accepted by the Conference.

Mr. Richardson (Rajputana) said that only 9 States out of 20 in Rajputana were able to do anything in the way of reciprocity owing to the lack of machinery.

Mr. Waterfield (Central India) said that was also the case in Central India. There were many very small States absolutely unable even to register their tribes.

Khan Bahadur Maula Bakhsh (Kashmir) explained what was being done in his State and what further steps the State was prepared to take towards reciprocity.

The Hon'ble Member stated that what was wanted was the co-operation of Indian States. It had been pointed out that some States were really much too small to undertake the work by themselves, but it appeared that they could depend upon the co-operation of most of the larger States. He enquired if the members of the Conference were prepared to recommend that as the ideal

policy, realizing that in smaller States effective co-operation might be practically impossible.

This suggestion was unanimously agreed to by the members of the Conference.

23. Discussion then turned on the repeal of the Mogya Manual, and opinions differed on this question, the Manual being said by some to work satisfactorily, while others considered it an anachronism.

The Hon'ble Member remarked that as opinions were not unanimous, he saw great difficulty in recommending the repeal of the Manual which applied to many States and which was working fairly satisfactorily in certain States.

Theoretically it would be sound to say that the Manual could be repealed in any State which had the power of legislating on the subject, but in practice such repeal might lead to unforeseen results. He suggested the following resolution :—

"That this conference recommends to the Government of India in the Foreign Department that the question of substituting for the Mogya Manual the laws of the States concerned should be considered, and where that was not possible then the question of modifying the Manual to suit modern conditions should be further examined."

The resolution was unanimously agreed to.

24. The Hon'ble Member then enquired if there was any way in which in the opinion of the Conference, the co-operation of Indian States could be stimulated.

In reply, the Gwalior representative suggested that uniform rules for the registration and control of criminal tribes in India should be framed by the Government of India. On the suggestion being put to the vote, it was rejected by the majority of the members.

The Dhar representative proposed the following amendment :—

"That some guiding principles should be laid down by the Government of India and that the States should be invited to make their own specific rules for control and registration on the lines of such general principles".

This amendment was carried.

(The Conference then adjourned to the following day.)

Proceedings of the 10th December 1919.

25. The Hon'ble Member said :—"Yesterday we were discussing the desirability of enlisting the co-operation of Indian States in the interests of vigorous and uniform action throughout India. I do not think that we arrived at any conclusion that can be regarded as satisfactory from a practical point of view with regard to the smaller States The position there is one of no little difficulty. I am rather afraid myself that in these smaller States very little real help can be given; but I would like to know if any one can suggest a practical method by which the co-operation of Indian States and particularly of the smaller States can be secured."

The representative of Jaipur thought the labour of taking finger impression thrown away without mutual recognition of previous convictions. He therefore advocated such recognition.

The representative of Bikaner thought that as a matter of principle no State, whether small or great, could disagree as to the value of co-operation with the Government of India, but one essential was to avoid any appearance of interference in the internal affairs of the States. If the bigger States gave a lead, the smaller States would naturally follow their example in time. Nearly all the States used to co-operate under the old Act of 1871, and some were co-operating under the present Act.

The representative of Dhar considered that the smaller States which were under the protection of bigger States would readily follow the policy of the bigger State. There were some minor States under the Dhar Durbar, which

had appointed an officer to supervise all the settlements in the Khalsa and in the subordinate States. The system was working well.

The representative of Jhabua explained that in his State no tribe was notified as criminal, or was indeed suitable for notification. Wandering gangs of Sansis and Kanjars sometimes visited the State. The State police exercised strict supervision over their movements with the object of turning them out of the State. It was impossible for the State to settle and control such gangs. He suggested that settlements should be established at mills, tea-gardens, etc., for such gangs, to which wanderers found in British provinces and Indian States could be sent. He thought all States should be advised to enact laws on the general lines of the Act of 1911.

Mr. Madan (Bombay) thought that if the smaller States wished to co-operate with Government, they could do two things. First, they could restrict the movement of certain criminal tribes within their own territories, and, secondly, they could establish settlements of their own for dangerous tribes. If funds for this purpose were not available, they could make such tribes over to Government for settlement in British India.

The Hon'ble Member thought the general feeling was that the larger States should be invited to co-operate by means of a letter indicating the general policy of the Government of India. It was obvious that many of the larger States would willingly co-operate at once. The conference had already dealt with the rendition of criminal tribesmen from British India to Native States. A further suggestion that might be accepted was that where an Indian State wished to make over a criminal tribe to British India because it had no settlements of its own, the law should be amended so as to render this possible. In regard to the smaller States the Conference might accept the advice given by certain gentlemen present and ask the Foreign Department to write to the Political Agents or other authorities inviting them to concert such measures as might be possible, having regard to the varying financial and other conditions in the different States.

26. Mr. Gayer (Hyderabad) mentioned the difficulty caused by the refusal of certain local Governments to register or restrict people who behave well in British India but commit crime in Hyderabad. In the Central Provinces, one of the provinces bordering on Hyderabad, the Act of 1911 was not in force.

The Hon'ble Member reminded Mr. Gayer that the Conference definitely decided on the previous day that the Government of India should in no way interfere with the detailed working of the Act by the provinces. The difficulty referred to was one for the State to settle with the local Governments. The Government of India could not interfere in such a matter.

27. The Hon'ble Member then pointed out that the questions remaining for discussion were mainly matters of domestic concern to British India and would be of little interest to States which had no settlements and no system of educating the children of criminal tribesmen. The representatives of such States might therefore prefer to withdraw, though any gentleman who cared to stay was of course at liberty to do so. The Government of India were most grateful for the attendance of so many representatives of Durbars, and he hoped that the gentlemen present would kindly let their Durbars know this.

28. Many of the representatives of Indian States then withdrew.

4(a) in paragraph 3 of Home Department letter no. 1391, dated the 17th November 1919.

29. The question of Government management *versus* private management of settlements was then discussed.

Mr. Madan (Bombay) stated that until very recently the Bombay settlements were all managed by Government. Recently they had made over the Sholapur settlement, which had 3,000 inmates all employed in mills, to the Australian Mission and the local Government had now come to the conclusion that it was better to have both agencies working side by side No other agency, such as the Servants of India Society, participated in the work. The Government settlements had about 7,000 inmates, so the total number in settlements was about 10,000. At the head of the central agency was a member of the Indian Civil Service, who had under him several inspectors, mostly

trained in the Revenue Department. The relations between the officers and the settlers were most friendly. The police were not employed at all in connection with the settlements except as guards. Both agencies had their special points, but there were advantages in having both systems, owing to the differences in the points of view from which the problems were approached by Government and private managers. The Government manager had greater influence with the settlers as a result of his power to punish or reward. There was little difference in cost between Government and privately managed settlements. There was always some risk of Indian opposition to private settlements because most of them were under missionary bodies. Government settlements were useful as setting a standard for other settlements. The success attained during the last ten years was mainly due to the efficient management of Government. The children in the settlements were doing very well and were being trained to different trades. Little restraint was necessary in the case of inmates who had been some years in the settlements

Private agencies too had certain special advantages. First, there was naturally more zeal, earnestness and sustained religious effort than could be expected in a Government department. Secondly, there were fewer changes of personnel in the managing agency and this was a great advantage. The manager should be in personal touch if possible with every member of the settlement. Thirdly, the work of reformation was naturally facilitated if a strong moral influence were sympathetically brought to bear on the inmates If the number of settlements were to go on increasing, it would be necessary for Government either largely to increase the number of its officers or to hand over more settlements to private agencies. There were advantages in employing different private agencies. Local missionaries who knew the habits and language of the people would be very suitable. At present the only private agency employed was the Australian Mission.

Mr. Coupland (United Provinces) said that in the United Provinces settlements they had 2,500 inmates. There were no settlements under Government agency ; all were run by the Salvation Army. It was, however, proposed to have some under Government and some under the Salvation Army. The latter were doing well with certain classes of tribes, especially with the Haburas in Cawnpore. In Bareilly and Najibabad, where they had less tractable people to deal with, their difficulties were greater. The local Government did not anticipate much difficulty in getting men from Government service with a sufficient knowledge of the subject to take up the work with zeal. There had been no complaints about the manner in which the Salvation Army dealt with the people. They were certainly not harsh and indeed were perhaps inclined to be too tender.

Pandit Harikishen Kaul said that there were now 27 settlements in the Punjab and the number of inmates was about 10,000. This would probably expand to something like 15,000 to 20,000. The demand for criminal tribes labour was steadily increasing. The average earnings of an adult man varied from annas 8 to R1-8 per day, the whole of which he pocketed. There were four kinds of settlements :—reformatory, industrial, labour-supplying and agricultural. The agencies of management were the Salvation Army, two Muhammadan societies, one Sikh society, and four Hindu societies. Certain tribes definitely professed certain religions ; some were Muhammadans, and these had now been put in charge of Muhammadan societies and were doing very well. Sikh tribes had been put under the Khalsa Diwan. Certain tribes were nominally Brahmins or Rajputs and these were under the charge of Hindu societies. The lower castes had been distributed among the Hindus and the Salvation Army. The agricultural settlements were all under the charge of societies because the inmates were all well-behaved and not likely to give much trouble. The bigger industrial settlements were under Government management ; the smaller were made over to societies. Experiments were being made with manufacturing settlements, but so far labour-supplying settlements were the most successful owing to the great demand for labour in the Punjab. There ought certainly to be some settlements managed by Government. The societies had to overcome many initial difficulties and it was advisable that there should be a Government officer able to advise and assist them.

He agreed that there should be some Government managed institutions as models, and also that the societies had a great advantage in the continuity of their personnel. They had had no difficulty in getting suitable and sympathetic men as managers of Government institutions There was no police interference with the settlements, though one of his assistants had been a policeman, selected because a man was wanted who knew how to deal with the local police. He thought there was more contentment in the Government settlements than in those privately managed. There was no difference in caste, or at any rate there would be no difference when the settlements were fully developed. Government control was more effective because Government could punish people and transfer them. They were consequently taking the worst criminals into the Government settlements. Reformation had been very rapid in all the settlements. In this respect there was no distinction between privately-managed and Government-managed institutions. They did not cancel registration until the man had had a clean record for ten years—that is, ten years from his last conviction or the date of last suspicion.

Mr. Madan said that in Bombay they gradually removed the restraints. It depended on the man's conduct. If he had not done anything criminal for three or four years they removed the restraint.

Mr. Dundas (Bihar and Orissa) said they had a settlement of Mogyas in Champaran worked by the Salvation Army. It was doing very well. They had no Government-managed settlements on the lines described by the representatives of Bombay, the United Provinces and Punjab Governments. The whole number requiring restriction in settlements was probably within 2,000. He was in favour of privately-managed settlements. Government settlement would involve much greater expense and an elaborate organisation

Mr. Corbett (Deputy Director, Central Intelligence) thought that a good deal depended upon the extent of the Government control. In the Punjab Government exercised far greater control over settlements managed by voluntary agencies than in other provinces. If Government was going to make over managment to voluntary agencies it should retain a large measure of control. Where private agency was employed there should be adequate inspection by some Government agency, especially in the case of newly founded settlements.

Mr. Paddison (Madras) stated that they had 6,000 people in nine settlements in Madras, six of which were in charge of the Salvation Army, one in charge of the American Baptist Mission, and only one under Government management. The last-mentioned had been in the charge of the Salvation Army, but had been given up owing to differences with Government. The Madras Government were generally in favour of privately-managed settlements, as they were of opinion that a missionary body was better qualified for reclamatory work than either the police or other Government agency. The great point in favour of the Salvation Army was that they had a large staff and could easily replace unsatisfactory managers. There had been differences between the Accountant-General and the Salvation Army in regard to the method of keeping accounts. Many of the members of the Salvation Army were admirable at teaching and moral reclamation but not always experts in the Government system of accounts. They proposed to get over this difficulty by making the Salvation Army lump grants. At present the grant was just enough to pay for the salary of the manager and assistant manager, and Salvation Army had to come up to Government through several officers for any little extra expenditure.

Mr. Madan (Bombay) at this stage informed the conference that the recurring expenditure in Bombay came to R10 per head per year. This included the pay and salary of all the staff.

The United Provinces representative stated that in the United Provinces the cost came to R22 per head per year.

Mr. Blowers (the Salvation Army representative) said that some of the Governments, before private management was suggested, had their settlements worked by the police. On this proving a failure they were obliged to resort to private agencies. There had been very considerable improvement under private management. In regard to the Salvation Army he thought an important point was the fact that most of its Managers were married Europeans

and the wife of the Manager was a very important moral influence especially among the women and children. He added that private management should have a fair innings, but agreed that no one society could claim a monopoly.

The Hon'ble Member thought the feeling of the Conference was that where there was a large number of criminal tribes to be controlled, some Government-managed settlements were essential as a model and also because private agency might not be able to undertake all the work; but that the value of the work done by private institutions was very great and there was the additional advantage, particularly in the case of the settlements mentioned by Pandit Harikishen Kaul, that Indian charitable organizations were encouraged to do their own work and not to rely entirely on Government. Where there were a few settlements private agency might well be continued, but where there were many settlements a combination of Government and private institutions tended towards the greatest progress.

30. The next item* for discussion was the extent of Government control and supervision to be exercised over privately-managed settlements.

*4 (c) in paragraph 3 of Home Department letter no. 1391, dated the 13th November 1919.

Mr. Madan (Bombay) thought the control should be of a general character and confined to seeing that the terms of the Act were carried out; that the money was properly spent; that the tribes were kept in due control and that the children were properly educated. He deprecated the use of the police as an inspecting agency.

Pandit Harikishen Kaul remarked that the Government officer should have definite power of vetoing proposals regarding (1) housing, (2) employment, (3) discipline, and (4) wages. He agreed with the suggestion that the local police should not be employed.

Mr. Coupland (United Provinces) agreed with the previous speaker. At present he had no power to issue orders but was only an adviser. He had, however, some financial control, as Government had to pay for everything.

Mr. Dundas (Bihar and Orissa) said that they had not organized their control at present. They had no special officer. With regard to the subsidy they paid a lump sum to the Salvation Army.

Mr. Simpson (Bengal) said that they left the Salvation Army a free hand to run their settlement, laying down general lines of policy. The only work the police did was to provide a guard outside. Recently general supervision had been entrusted to the local District Magistrate. The higher police officers were only visitors.

Mr. Corbett (Deputy Director, Central Intelligence) stated that the Government of Bengal gave voluntary agencies a far freer hand than was given in other places. In some provinces the Salvation Army had given up settlements owing to excessive interference by Government.

Mr. Paddison (Madras) said the Deputy Inspector-General of Police, Railways and Special Branch, was in charge of settlements generally, and the District Magistrate also exercised some control. The degree of control was perhaps excessive and the Madras Government contemplated altering things and appointing a special officer.

The Salvation Army representative stated that he would prefer that for the larger provinces, such as Madras, the United Provinces and the Punjab, there should be a special officer whose work would be to supervise and inspect, and who would exercise a certain amount of control. Although they would prefer that in minor matters there should be no undue interference, they wanted the help and advice of a special officer.

The Hon'ble Member said it seemed pretty clear that the Conference was agreed that there should be some form of control by Government; that where possible that control should be exercised by special officers, so as to ensure continuity and uniformity in their policy. The degree of control must necessarily vary, but it should ensure :—first, the effective prevention of crime; secondly, that the men were properly treated in the matter of wages, housing, etc.; and, thirdly, that sustained efforts were made to reclaim them.

31. Mr. Corbett raised the question of the appointment of Superintendents of private-managed settlements.

Pandit Harikishen Kaul said that in the Punjab the approval of Government was required.

The Salvation Army representative remarked that in their settlements this was the universal rule. Government approval was required and the appointment was published in the Gazette.

32. The method of accounting was then discussed. Mr. Madan stated that his Government gave the mission people a capitation grant of R7 per head per year. The mission people kept the accounts. The R7 was for recurring expenditure only. Special grants were given for building and repairs.

The Punjab representative said that his Government worked out the expenses of a settlement according to local requirements and gave the society a lump grant. The Accountant-General did not audit the accounts.

Mr. Coupland (United Provinces) said that they had been working hitherto on the detailed accounts system but had now got to the stage of requiring a detailed budget. If that worked well they proposed to make a lump sum grant, and not to demand an audit of accounts.

The Bihar and Orissa and Bengal representatives said that their Governments gave lump grants and did not insist on audited accounts.

The Madras representative said that they gave a grant for supervision and the societies came up for further grants when necessary. Detailed accounts were required.

The Salvation Army representative said that as regards the little difficulty with Madras, when they started their settlements, the Madras Government made capitation grants and left things very much to the Salvation Army. At a later stage Government required detailed accounts. The Salvation Army's method of keeping accounts was on the commercial rather than on the Government model. As regards the United Provinces the system there was fairly satisfactory except that the control was exceedingly tight and gave them insufficient latitude. The Punjab system worked well. The financial arrangements were fairly adequate. In Bihar the system was easier as they got a lump sum and were never asked questions. The money was always used in the particular district for which it had been given. The Salvation Army never moved money from one province for the benefit of another province. If there was a surplus it was kept rigidly in the province; if there was a deficiency the Salvation Army made it good from its own exchequer. As regards Madras the trouble had been due to a lack of uniformity. The grants varied from district to district according to the District Magistrate's discretion. One settlement was well provided for, while another was given an inadequate subsidy. If uniformity of policy could be introduced, the Salvation Army would be quite content with any of the systems mentioned. They did not mind different systems in different provinces as long as adequate financial provision was made, but the ideal system from their point of view was that of capitation grants which had been strongly advocated by General Booth-Tucker. In addition to recurring grants they would require grants for building and special equipment. Repairs they would maintain from recurring grants provided these were adequate. The Salvation Army's idea of an adequate grant varied according to the size of the settlement and province.

Mr. Coupland said he was satisfied with the present system, but would accept a system of capitation (or contract) grants for recurring expenditure.

Pandit Harikishen Kaul said that it was impossible to work out capitation grants until the settlements had fully developed.

The Hon'ble Member said he was inclined to recommend that whatever sums were given, once a sum was fixed there should be no demand for detailed accounts, save at the request of the special officer.

The Salvation Army representative mentioned that the only province in which they had a real Government audit was in Bengal. That arose out of special difficulties there. He added that as soon as they came in contact with the Accountant-General's Department they found themselves in trouble.

The Hon'ble Member suggested that money for recurring expenditure should be granted either in the form of a lump sum (to be fixed annually or at less frequent intervals) or a capitation grant, the accounts being inspected only by the special officer.

All the members agreed to this.

33. The question of the period of probation for members of criminal tribes before they were struck off the register was then discussed.

The Salvation Army representative recommended three years.

The Punjab representative said that they de-registered a man if his behaviour had been good for 10 years. Within the 10 years of his probation if a man was a good worker, he might be transferred from one settlement to another where conditions were easier and he could earn more money.

The United Provinces representative stated that they had no fixed period. The rules provided that District Magistrate could exempt any man from any or all of the ordinary obligations.

Bihar and Orissa, Bengal and Madras also had no fixed period.

It was resolved to make no special recommendation on this point.

34. The Conference agreed that there should be a special officer in all provinces to look after settlements.

35. The next item* discussed was the self-supporting industrial or agricultural settlement *versus* the settlement which merely supplies labour to the local market.

* 4 (*c*) in paragraph 3 of Home Department letter no. 1391, dated 13th November 1919.

Mr. Madan stated that agricultural settlements in Bombay were not successful and they depended mostly on industrial settlements where the men found work in mills or factories. The chief difficulty was their inability to get large compact blocks of fertile land. There was the further difficulty of effective supervision. Members of criminal tribes had little aptitude for agriculture and in time of famine they ran away and reverted to crime. Agricultural employment did not provide any healthy discipline or any incentive to the elimination of roving habits. The bulk of the settlement people were employed in mills or ginning factories or did ordinary coolie work in towns. They were quite free to choose their own work. At night they returned to the settlement. If they found any difficulty in finding work for themselves the Inspectors found work for them. Employment in mills had some disadvantages, such as the long hours of work in ill-ventilated rooms. Its advantages were that the men were grouped together and could be easily supervised. They came in contact with the more respectable classes of society and learnt habits of punctuality and obedience. The inmates earned the same wages as other labourers. The lowest wage at present for women was 6 to 8 annas and for men 8 to 10 annas a day. In the Government settlement at Bijapore they were housed on Government land. This he considered preferable to housing them on land belonging to the employer. They worked in the mills from 11 to 12 hours a day, and got the same holidays as the other labourers. The hours were, in his opinion, too long and should be reduced. They were free to stay at home when they liked. No pressure was put on them, but they could not of course go off to their homes for a month's holiday, as free labourers often did, as they were not allowed to leave the settlements.

Pandit Harikishen Kaul explained that in the Punjab the agricultural settlements were prize settlements for the best behaved tribesmen and were very much sought after. Only men who were practically reformed were sent there as a reward for good conduct. They required ten years' good conduct before a man was selected. Fifteen years' probation was required for the acquisition of occupancy rights. The area given was ten acres of canal irrigated land for each settler. The industrial settlements in the Punjab were labour supplying settlements. The inmates were housed on the employer's land but subject to the condition that the houses were built according to Government design. The inmates were paid exactly the same rate as free

labour, and enjoyed the same holidays. Their working hours were from 10 to 11 hours a day. Though the inmates mostly belonged to wandering tribes he did not think that proximity to big towns offered a temptation to crime.

Mr. Ashdown said the United Provinces Government had taken up lands six miles away from Cawnpore where they were going to build a Government settlement to supply labour to all the mills. At the present moment there was one small settlement at Cawnpore which supplied labour only to one mill. The inmates received exactly the same wages as the other people but until recently they were not getting bonuses. Government was very anxious to supply labour not to any particular mill but to all mills.

Mr. Dundas (Bihar and Orissa) preferred agricultural settlement with home industries.

Mr. Simpson (Bengal) said his experience was limited. They had tried agricultural and other out-door work, *e.g.*: on railways, but it had been a failure. Weaving was successful.

Mr. Paddison (Madras) said they had found difficulties in mill work. There had been disputes owing to the lack of discipline on the part of the tribes in certain mills and they had given up employing the tribesmen. However, Government proposed to try further experiments in this direction. Their agricultural settlements were mostly in disforested reserves or on swamps that had to be drained. During the last two years they had tried settlements in one or two tea gardens. Agricultural settlements had, however, failed owing to bad seasons and the people had no resources to fall back upon, *e.g.*, ordinary coolie labour.

The Salvation Army representative alluded to the danger of depleting other settlements of all the best inmates to supply labour to outside employers and leaving only the riff-raff. Sometimes the families and dependents of mill workers are returned to other setttlements. This was undesirable.

The Hon'ble Member said:—"It is pretty obvious that in some provinces industrial settlements are suitable, while in others, such as the Punjab, agricultural settlements are very successful. There is, I think, much force in the objection put forward by Mr. Paddison that there should always be some form of industrial employment to fall back on in years of famine. Ordinary people can migrate in bad seasons, but these people are tied down to their settlements. The Conference might, I suggest, recommend that in industrial settlements:—

(*a*) housing should never be on mill property, but always on Government property;

(*b*) the inmates should be given the same wages as free labourers, with bonuses;

(*c*) they should have the option of taking a reasonable number of holidays in a month, say up to six days;

(*d*) their families should be allowed to stay with them in the settlement;

(*e*) the hours of labour should be limited as far as possible, as these people are not accustomed to factory labour and the present hours are very long;

(*f*) no one employer should have a monopoly of the labour of a settlement."

This was agreed to, except as regards (*e*) above. It was pointed out by Messrs. Ashdown and Madan that employers would object to the criminal tribesmen having special hours of labour. The Conference accordingly decided to content itself with an expression of its opinion that the existing hours were excessively long.

(The Conference then adjourned till 2-30 P.M.)

Afternoon Session.

36. The question of the disposal of the profits of settlements was then discussed. It appeared that in manufacturing settlements the Government or the employing society takes any profit or is responsible for any loss after paying the tribesmen a living wage. In the United Provinces the men are paid at piece work rates. The individual earns about half what the labourer outside would earn. In most settlements there is a loss, and this of course Government meets. In the Punjab Government insists on societies paying men full market rates. The Society takes the profits up to 10 per cent. and after 10 per cent. Government and the society share any excess.

The Conference recommended that where a settlement makes a profit the labourers should receive a bonus as an incentive to good work.

37. The next question discussed was whether it was advisable to break up the tribes and hasten on their absorption in the mass of the population or to maintain their integrity as cohesive units, and enlist tribal sentiment in the work of reformation.

4 (*d*) in paragraph 3 of Home Department letter no. 1391, dated the 13th November 1919.

Mr. Madan explained that except in one small case they had not in Bombay so far tried to break up a tribe into small units. The arguments in favour of tribal cohesion were (*a*) the utility of the tribal organisation, *e.g.*; *panchayat*, for the settlement of disputes, and (*b*) the incentive to good work by new inmates provided by the presence of members of the same tribe doing well in the settlement.

But in the case of a tribe not sufficiently criminal to be kept in the settlement, it might be advisable to break it up and hasten the process of absorption into the general community.

Pandit Harikishen Kaul was opposed to hastening such absorption which should be gradual. We must, he thought, look to the younger generation for the completion of the process. The present adults should be kept in settlements or under supervision. The younger people were learning new trades and occupations and when they grew up the question would solve itself.

Mr. Ashdown (United Provinces) stated that there was at present no sign of the tribes breaking up or being absorbed into the general population.

Mr. Dundas thought the strength of the caste system was too strong to allow absorption.

The Salvation Army representative agreed with Pandit Harikishen Kaul.

The general conclusion was that attempts to break up tribes and absorb them into the general population were impracticable at present for many reasons.

38. The next question discussed was the relations between the settlements and the local police authorities and especially the extent to which tribesmen in a settlement can be protected from prosecution for past misdeeds.

4 (*e*) in paragraph 3 of Home Department letter no. 1391, dated the 13th November 1919.

All the provincial representatives agreed that there had been no cases in which the police harrassed the inmates of settlements for past minor misdeeds, committed before entry into the settlement. It was also agreed that the local police should have nothing to do with settlements.

4 (*f*) in paragraph 3 of Home Department letter no. 1391, dated 13th November 1919.

39. In the discussion regarding the question of compulsory settlement *versus* supervision, the Punjab representative stated his opinion that compulsory settlement must be resorted to in the case of incorrigibles and also in the case of youths who, if not provided with some remunerative occupation, might take to thieving. Supervision outside settlements was sufficient for less criminal tribes and individuals. Both systems were necessary. Supervision had less deterrent effect than confinement in settlements but less reformatory effect. In the Punjab they had restricted th

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movements of all tribes, the non-nomadic tribes to the area of the village in which they resided and the wandering tribes to the area of the police jurisdiction in which they were found at the time of registration. They had provided for their transfer from one police jurisdiction to another when necessary. They had altogether about 30,000 odd people registered. Of that number they had 4,000 in settlements, 26,000 were either restricted to villages or police stations. Certain people had had their registration cancelled on account of good behaviour, *e.g.*, those who furnished recruits. Those belonging to one tribe were all put in one settlement but in some settlements they had more than one tribe. The leading criminals from every tribe were removed to the reformatory settlement. They had cases on record of inveterate criminals being reclaimed and exercising great influence on half-reformed people. He was in favour of combining restriction with compulsory settlement for the worst characters.

The United Provinces representative thought the question depended entirely upon the character of the tribe. Settlement had a greater reforming influence but there were so many tribes that they could not contemplate sufficient settlements to absorb them all. They had some fifty or sixty thousand and registered about 25,000.

Mr. Simpson (Bengal) thought that compulsory settlement was the only effective way of dealing with the wandering tribes.

Mr. Gayer (Hyderabad) said that they did a certain amount of reformatory work through the headmen of the tribes. These headmen were told that if they brought up for the punishment any of their men who committed crime, they (the headmen) would get exemption from registration. This had an excellent effect.

Mr. Paddison (Madras) stated that in Madras 40,000 men were registered and 6,000 in settlements. There was practically no reformatory influence outside the settlements.

The Bombay representative said that they depended entirely on compulsory settlement.

The Salvation Army representative thought the ideal system would be universal compulsory settlement, as therein lay the only hope of reform.

It was, however, generally agreed that this was not a practical proposition by reason of the numbers of people and the heavy expenditure involved and that all that could be done was to settle compulsorily the worst characters and especially the wandering gangs.

40. The question of bringing reclamatory influences to bear on tribes not confined in settlements was then discussed.

It was generally agreed that the only method of reclaiming such tribes was by means of the Salvation Army and other societies who were already doing excellent work in this direction.

4 (7) in paragraph 3 of Home Department letter no. 1391, dated the 13th November 1919.

41. The next item for discussion was the movement of tribes from one province to another.

The Punjab representative was of opinion that statutory power should be taken to transfer wandering gangs back to their original provinces.

The following proposal made by the Hon'ble Member was generally agreed to:—

(1) that wandering gangs should be rounded up in the provinces where they were resident on a simultaneous date and should all be registered in that province;

(2) that there should be legal power to return a wandering gang to its original province; and

(3) that provincial Governments and Indian States should have legal power to demand the rendition of members of criminal tribes.

42. The next question discussed was the policy to be adopted in dealing with the children of criminal tribes and their education.

4(A) in paragraph 3 of Home Department letter, no. 1391, dated the 13th November 1919.

The Punjab representative stated that in all Punjab settlements the education of boys between the ages of 6 and 12 was compulsory. The education was primary with an industrial element. In the case of gangs restricted to their villages, wherever there was a school in the village, boys between 6 and 12 had to attend it. This applies to the children of all registered members of criminal tribes Boys who had been educated from 6 to 12 and who had passed the primary examination, were exempted from registration. The settlement schools were reserved for the boys living in the settlement. At Dhariwal there were 285 boys and 250 girls. The education of girls was not compulsory as females were not registered. But the people in the settlements had taken kindly to female education and every settlement had a girls' school. The boys became half-time workers after the age of 9 years and after the age of 14 they worked as whole-timers in the mills; but attended continuation classes in the evening at which teaching and some recreation were provided. The Punjab Government contemplated the establishment under section 17 of the Act of a boarding school for the industrial and literary education of orphans and the sons of the worst criminals. The latter classes should be wholly removed from the influence of their parents. They already had a *creche* in the Dhariwal settlement for children from 2 to 6 years. This enabled women employed at the mills to leave their children in charge of a responsible person.

The United Provinces representative said that they did nothing for children not in the settlements. In all their settlements they had schools similar to those in the Punjab. They also had three schools for children whose parents had died, absconded or been sent to jail. This was resented by some of the parents who on release from jail took their children away. The system was expensive. They paid Rs. 36 a year to the Salvation Army for each child.

The Hyderabad representative stated that they had boarding schools in the settlements for both boys and girls. These children could be visited by their parents every day but were partially removed from their influence This system had a good reforming effect and the children often had an excellent influence on their parents, who were encouraged to adopt habits of cleanliness and sobriety in the hope of having their children restored to them. The form of education was almost wholly industrial.

The Madras representative said that they had a school in every settlement. They were about to start an industrial school for the children of parents who had absconded or were in jail.

The Salvation Army representative considered that education should be compulsory in all settlements, if possible half literary and half industrial work. The parents had a strong objection to their children going to school for the whole day. He had known cases in which parents had refused to provide their children with food when the Salvation Army had insisted on the children being sent to school. The parents wanted the earnings of the children. There was great difficulty in inducing certain tribes to allow their girls to go to school at all. He thought boarding schools in the larger settlements where the children could live apart from their parents, an excellent system and likely to have a good effect on the parents.

The Hon'ble Member in summing up the discussion said that everyone had agreed that there should be a school in every settlement. The general view appeared to be that the form of education should be primary (reading and writing) combined with some industrial teaching (save in cases where there was special literary aptitude). As a counsel of perfection he thought a boarding school should be attached to each settlement where this was possible.

Enclosure to Bengal Government's letter no. 4085 P. J., dated the 27th November 1919.

43. Certain further suggestions put forward by the Bengal Government were then discussed.

That section 3 of the Criminal Tribes Act, III of 1911, be so amended as to include professional and hereditary swindlers who commit offences under sections 417—420, Indian Penal Code.

With regard to no. 1, it was thought that the proposal would meet with a good deal of opposition in Council. It was consequently withdrawn by the representative of Bengal.

2. The Conference was divided on the question of including sections 411 and 412, Indian Penal Code, in the schedule under section 23 of Act III of 1911 and the proposal was not pressed.

3 It was generally agreed that registration in a man's absence was entirely ineffective as his finger-prints could not be obtained.

*Proposal to add a note to section 10 of the Act to the effect that a registered member of a criminal tribe to whom the section applies is bound to conform to the rules framed under clause (d) of section 20 by the Government of Province in which such member may for the time being be living.

*4. This suggestion was not pressed.

†Proposal to make provision in the Act to authorize a local Government to restrict the movements of a criminal tribe by issuing an order on the members not to move from one Province to another.

†5. This was already possible under section 12.

‡Proposal that in notifying the place of residence a registered member shall define the house he will live in

‡6. The Bengal representative did not wish to press this as he agreed that the point could be provided for by provincial rules.

§Proposal that, in order to enable them to pay domiciliary visits to the registered men, village watchman may be declared to be police officers under the Criminal Tribes Act.

§7. This was an amendment designed to suit local conditions. The necessary power could be taken by amending the Bengal Choukidari Act.

(The Conference then adjourned to the following day.)

Proceedings of the 11th December 1919.

44. The Hon'ble Member mentioned a suggestion, in which the Salvation Army was interested, of sending criminal tribesmen from different provinces to Assam to work in the tea gardens.

Pandit Harikishen Kaul explained that the demand for labour in the Punjab was so great that it was impossible to think of sending any labour out of the province. There was a great demand for labour in the tea gardens at Kangra. There were already three settlements at Palampur and the tea planters were asking for more men.

Mr. Coupland explained that the question had been discussed between the United Provinces Government and the Assam Government, but both were doubtful if the experiment would be a success. The people would not like moving.

Mr. Paddison said the Madras Government had tried to settle some tribes on a tea garden in the Coimbatore district in the Madras Presidency but it has not been a success. He was not in favour of sending the tribesmen compulsorily to Assam Mr. Madan (Bombay) was also against the proposal. There was a keen demand for labour in the Presidency and the men would resent being sent away to such long distances from their homes. They objected even to being removed to a neighbouring district.

The Salvation Army representative said that Commissioner Booth-Tucker was in favour of the proposal, but a difficulty arose as the transfer would not be possible under the present Act. He understood that the Assam Government was not in favour of it, but did not actively oppose it. They must of course insist on proper restriction and supervision. The Salvation Army would be glad to give the experiment a trial.

The Hon'ble Member said that most provinces seemed against sending their men away, while others doubted whether the experiment would be successful. The Karwal Nats of the United Provinces might perhaps be a success. If the Assam Government could arrange matters with other local Governments, the Government of India would have no objection and could order the transfer under section 19. He thought the coolies ought not to go into lines under the management of the planter, but should be in a Government settlement.

45. The next point discussed was the advisability of applying Act III of 1911 to persons other than members of criminal tribes, who have been classed as habituals by a criminal court.

Pandit Harikishen Kaul stated that an experiment on the lines of the proposal had been tried in the Punjab, but had not been very successful. Under the Habitual Offenders Act certain habituals had been sent to criminal tribes settlements, but they could only be detained there for the term stated in their sentences and their restriction had had little reformatory effect. The strongest inducement to reform was the prospect of indeterminate detention in the event of no moral improvement and this inducement did not of course exist in the case of persons sentenced to imprisonment for a year or two by a court. Persons sentenced to lengthy terms of seven years or more could not safely be sent to settlements, as escape was too easy. On the other hand certain gangs of notorious criminals had been notified as criminal tribes and some of them had been sent to the reformatory settlement. Reformation in their case had generally been rapid and effective. They knew they could not leave the settlement till they gave guarantees for their good behaviour.

Mr. Coupland (United Provinces) was not in favour of the proposal. He admitted that there should be a special type of jail for habituals but did not think that criminal tribes settlements would be suitable. In any case things in the United Provinces were not sufficiently advanced to give such an experiment any prospect of success.

Mr. Corbett (Deputy Director, Central Intelligence) and Mr. Paddison (Madras) agreed.

The Salvation Army representative also did not consider it desirable to mix ordinary habituals with the criminal tribes in the same settlement.

The Hon'ble Member said it was clear that the majority were not in favour of complicating the work of the criminal tribes settlements by the inclusion of ordinary habituals, but they might suggest that a separate type of jail for long term habituals would be very useful. The question would doubtless be considered by the Jails Committee now touring in India. Such a jail should be quite separate from the criminal tribes settlements.

46. The next question discussed was the desirability of extending section 16 of the Act to gangs not composed of members of criminal tribes who had shown criminal tendencies. The proposal was not pressed as it was agreed that section 3 gave power to notify such gangs as criminal tribes.

47. The next question considered was the desirability of adding sections 379 and 380, Indian Penal Code, to the offences specified in the Schedule to the Act and liable to enhanced punishment under section 23

Mr. Ashdown said that in the United Provinces there were two tribes who habitually committed petty theft. Six or seven months' punishment was not sufficient on a second or third conviction. He would therefore like to add sections 379—380 to the Schedule.

Mr. Corbett (Deputy Director, Central Intelligence) agreed and would also add sections 411 and 412, as receiving was a common offence.

Mr. Paddison (Madras) was doubtful but pointed out that the suggestion would mean a big increase in the number of sessions trials.

The Hon'ble Member said he would have preferred to look up the reasons for excluding these sections when the Act was passed. An amendment on the lines proposed might be difficult to pass through Council. A section of the public thought that in certain provinces the courts were already too severe to the criminal tribes. This suggestion might increase the difficulty of amending other sections of the Act.

Mr. Corbett pointed out that sentences could always be remitted under section 401 and the convict sent to a settlement. This was already regularly done in some provinces, and all favoured the system.

Mr. Ashdown (United Provinces) explained that the object of the proposal was to secure indeterminate sentences for habituals. If this could be arranged by other methods the United Provinces and the Punjab would not press for inclusion of sections 379, 380, 411 and 412 in the Schedule.

48 Mr. Coupland then explained the difficulty as to sections 12—16 raised by the Government of India (Home Department) letter no. 1319 C., dated the 19th February 1919, to the United Provinces. The Hon'ble Member promised to put the case to the Advocate-General of Bengal. If the latter held that the Government of India's interpretation of the sections was right, the Hon'ble Member would consider if the Act should be amended.

49. The Conference agreed that the local Governments should be empowered to delegate to officers subordinate to them the power described in section 16 of the Act of placing a criminal tribe or a part thereof in a settlement.

50. The next suggestion discussed was the creation of a court of arbitrators to settle disputes when one of the parties to the dispute is a member of a criminal tribe. This would oust the jurisdiction of the civil courts.

51. The Hon'ble Member asked for information as to the amount of money spent on the criminal tribes in the different provinces.

The answers given were as follows:—

In the Punjab the initial expenditure was R3,30,000 spread over three or four years. The recurring expenditure is limited to R1,90,000 per annum. The total population of the criminal tribes is 150,000 including registered members and their families. There are very few unregistered. The total number in settlements is about 10,000. There is one special officer (who is a Deputy Commissioner) with two assistants, one an Extra Assistant Commissioner and the other a Deputy Superintendent of Police. The special officer corresponds direct with the Government. There is a central office with a number of clerks. In each settlement there is a Superintendent, with an assistant and clerks according to the requirements of the settlement. The special officer keeps control over the tribesmen not in settlements through the District Magistrate and the Superintendent of Police.

In the United Provinces there are 25,000 males registered, of whom 2,509 are in settlements. The total number of males in the tribes is about 35,000, all of whom will ultimately be registered which implies a total population of 150,000 The annual recurring expenditure is R50,000 excluding the special officer's pay or R70,000 in all. The Criminal Tribes office is at present a branch of the Criminal Investigation Department and corresponds with Government through the Deputy Inspector-General.

The number in the settlements in Bengal is 250. The annual grant to the Salvation Army for the settlement is R19,800. There is no special officer but a large staff for the surveillance and control of the tribes not in settlements, under the Deputy Inspector-General, Criminal Investigation Department

In Madras the budget provision for next year is R2,50,000 including the cost of some special buildings. Recurring expenditure will be roughly R1,50,000 including police and outpost guards There is no special officer. Mr. Paddison will have to deal with depressed classes and labour problems in addition to the criminal tribes. He would probably apply for a special officer for the Criminal Tribes work. The number registered is 33,000 including some women, and the number in settlements is 6,000. This figure includes women and children. They had not yet been able to round up all the wandering gangs, but intended to do so as soon as settlements could be provided. Mr. Paddison corresponded direct with Government.

The number in settlements in Bombay is 9,760. The work had hitherto been confined to four districts. The recurring expenditure is R93,000 per annum including the pay of the settlement officer. The special officer corresponds with Government through the Commissioner.

52. The Hon'ble Member asked whether in the opinion of the conference the duties of the special officer should be confined to settlements only or should include the wandering gangs. It appeared that in the Punjab and United Provinces the special officers deal with all matters connected with the tribes, both those in settlements and those outside.

In Bombay the special officer dealt mostly with settlements. There was a Police Inspector for every Division who looked after the tribes not in settlements, but he was under the guidance of the special officer. In Madras the special officer would deal only with settlements. Tribes not in settlements would be controlled by the police.

Mr. Corbett thought that in Bengal the special officer should be in touch with all criminal tribes, whether in settlements or not.

53. The Hon'ble Member thought that there should be a special officer in every province. This would tend to continuity of policy. Certain provinces seem to have suffered from lack of continuity. The special officer should deal with all matters connected with the tribes and not only with the settlements. The Punjab and Bombay representatives agreed.

Mr. Glascock said he would like to have Delhi (where nothing had been done) placed under the Punjab special officer.

Mr. Paddison (Madras) was of opinion that the work of control should be done by the police, even if there was a whole-time special officer. The special officer should confine himself to reclamation. He would not, however, commit either himself or his Government till he had seen more of the work.

The Salvation Army representative agreed with the Hon'ble Member. His society preferred to deal with a single authority. If criminal tribes outside the settlement were to be under a different authority from that inside, there would be a tendency towards confusion. In Madras there was some confusion owing to the division of authority.

54. The Conference accepted a suggestion made by the Hon'ble Member that the special officer should correspond either direct with Government or through one authority.

55. The Punjab representative said that he desired to make two suggestions. One was that whipping should be added as a form of punishment to the provisions of section 22.

The Madras representative was of opinion that such a suggestion would not find support in Council.

The Bombay representative supported the proposal; also the United Provinces and Bihar and Orissa.

The Salvation Army representative opposed it.

The Hon'ble Member was very doubtful if the Council would agree to this suggestion, which was not pressed.

56. The Punjab representative cited the case of a warder in a settlement, who was not a member of a criminal tribe, who had assisted a member of a criminal tribe to escape. Under the law as it now stood, the warder had committed no offence and could be punished only by dismissal. Unless a man was a member of a criminal tribe he could not be punished for abetting an offence under Act III of 1911. The Punjab representative suggested an amendment of section 25 to overcome this difficulty.

The Hon'ble Member promised to look into the legal question.

57. Mr. Coupland mentioned that the sub-committee of three members of the Conference nominated by the Hon'ble Member recommended that a member of a criminal tribe moving from one province to another should be made subject to the rules of the province to which he moved so long as he remained there, *i.e.*, registration should apply throughout India. If a criminal tribesman went from the United Provinces into Bengal, Bengal would issue a notification putting him under section 10 (*b*). No amendment of the law would be required. Mr. Coupland promised to put his recommendation in writing.*

Vide appendix below.

58. The Madras representative suggested that a small discretionary grant for emergent expenses should be placed at the disposal of the special officer for unforeseen expenditure.

The Conference thought the suggestion a reasonable one.

59. Mr. Ashdown suggested that offences under section 22 (2) of the Act should be made cognizable. The Conference agreed to the proposal.

60. The Hon'ble Member promised to send an abstract of the proceedings of the Conference to all members. The recommendations would be summarized at the end of the proceedings. He also expressed the gratitude of the Government of India to all members for their attendance at the Conference.

The Conference then terminated.

APPENDIX.

Note.

1. The following suggestions are offered to meet the difficulty and friction that has arisen between provincial administration regarding the surveillance of members of criminal tribes to whom the provisions of section 10 of the Criminal Tribes Act apply, when such members move from one province to another.

2. In the case of members restricted in their movements under section 12 no difficulty arises.

3. In the case of members to whom the provisions of section 10 apply the difficulty has been that when a registered member moves from one province to another he ceases to be under any obligation to report himself or to notify his whereabouts as his own local Government rules cease to apply in the foreign province.

4. It is considered that, in view of the provisions of section 25 of the Criminal Tribes Act, a registered member of any province is a registered member for the purposes of the Act throughout British India. If this assumption is correct, it is open to any local Government to issue a general notification under section 10 of the Act directing that any registered member of a foreign province shall, on his first halt within the limits of the provinces, report himself to the officer in charge of the police station within the jurisdiction of which he has halted, and thereafter make the reports or notifications required under section 10 from a registered member of the province, during his stay in the province.

5. In the United Provinces it is the practice, when a registered member is first made liable to the provisions of section 10, to inform him by the service of a notice of his obligations regarding reporting himself or notifying his whereabouts, and, if this practice were generally adopted, a foreign registered member, when making his initial report on arrival in the province as suggested above, would be served with a notice specifying his obligations in this respect during his stay in the foreign province and he could not then plead ignorance, as an excuse for his failure to comply with the obligations imposed.

6. I think that the Advocate-General of Bengal has given an opinion supporting the assumption made in paragraph 4 but if that assumption is incorrect then the Act may be amended in order that the procedure suggested in that paragraph may be legalised.

R. E. COUPLAND,

Superintendent of Police,
Criminal Tribes Section,
Criminal Investigation Department,
United Provinces.

Summary of recommendations made by a conference held at Delhi on the 9th, 10th and 11th December 1919, to consider the question of the amendment of the Criminal Tribes Act, III of 1911.

I.—Recommendations for amendment of the Criminal Tribes Act, 1911.

(1) That section 2 of the Act be amended so as to include a definition of the term "District Magistrate" as meaning in the Presidency towns the Commissioner of Police, and that consequential amendments be made in sections 6 and 7 providing that the duties of the Superintendents of Police should be undertaken in Presidency towns by "any officer nominated in this behalf by the Commissioner of Police". Paragraphs 2 and 6

(2) That section 13 be amended so as to enable a local Government to restrict the movements of a criminal tribe to an area within the territories of another local Government, subject to the consent of the local Government concerned and the Government of India in each case. Paragraph 13.

(3) That sections 16 and 18 be amended so as to enable a local Government to authorise officers subordinate to it to exercise the powers described in those sections. Paragraphs 16 and 18.

(4) That power be taken to give effect to the following decisions :— Paragraph 41.

(*i*) that wandering gangs should be rounded up in the provinces where they are resident on a simultaneous date and should all be registered in those provinces;

(*ii*) that there should be legal power to return a wandering gang to its original province; and

(*iii*) that provincial Governments and Indian States should have legal power to demand the rendition of members of criminal tribes.

(5) That offences under section 22 (2) of the Act should be made cognizable. Paragraph 59.

II.—Questions to be referred to the Legislative Department for decision whether amendment of the Act is necessary.

(1) Whether a District Magistrate can be empowered, by a rule under the Act, to re-register a person whom he has once exempted, without a fresh direction from Government under section 4; or whether an amendment of section 5 would be necessary. Paragraph 4.

(2) Whether an amendment of section 6 is required to enable the relevant entries in a register to be transferred from one district to another when any members of a criminal tribe have transferred their residence or been compulsorily settled in a district other than the district of registration. Paragraph 5.

(3) Whether it is within the competence of a local Government to pass a rule directing a member of a registered tribe leaving its jurisdiction to report himself to an officer of the administration whose jurisdiction he enters; and if not, whether the Act should be amended so as to confer rule-making power on the Government of India. Paragraph 10.

(4) Whether it is necessary to omit the word "like" occurring before the word "settlement" in section 18 (*b*) in order to legalise the transfer of a registered person from an existing settlement to a penal settlement. Paragraph 16.

(5) Whether the following alterations in drafting are necessary :—

(*a*) substitution for the words "a notice" in line 2 of section 5 of the words "such notices as he from time to time deems necessary"; Paragraph 4.

(*b*) addition of the words "or any members thereof" after the words "criminal tribe" wherever they occur in sections 11, 12 and 13; Paragraph 11.

(*c*) substitution of the words "such notifications as it may deem necessary" for the words "a notification" in line 10 of section 12. Paragraph 12.

III.—Recommendations made with a view to secure more effective co-operation with Indian States.

Paragraph 10. (1) That the attention of Indian States be invited to the principle proposed for adoption in British India imposing on registered members of a criminal tribe moving from one province to another the obligation to report themselves to the authorities in the second province so that, if the Darbars think fit, they can take similar action.

Paragraph 12. (2) That measures should be taken authorising the settlement of criminal tribes from Indian States in British India where (1) the local Government wishes it; (2) the State concerned wishes it; (3) the Government of India are satisfied that the persons to be incarcerated are persons who would, in normal circumstances, be registered as criminal tribes. (This would involve an amendment of the definition of "criminal tribe" in section 2 of the Act, and possibly other amendments.)

Paragraph 22. (3) That if Indian States will help by having an effective criminal tribes law and administering it efficiently, the Government of India should do their best to help them, *e.g.*, by arresting criminal tribes migrating from Indian States into British India.

(4) That provinces which wandering criminal tribes habitually visit should round them up, register them and confine them to specific areas; that the Indian States should be asked to take similar steps in regard to wandering gangs moving about the States, instead of pushing them on into another jurisdiction; and that the procedure for the rendition of criminal tribes absconding from Indian States into British India and *vice versa* should be simplified.

(5) That States which are too small to undertake the control of criminal tribes by themselves should be asked to co-operate with the larger States

Paragraphs 24 and 25. (6) That some guiding principles should be laid down in a letter indicating the general policy of the Government of India, and that the States should be invited to make their own rules for control and registration on the lines of these general principles.

Paragraph 25. (7) That where an Indian State wishes to make over a criminal tribe to British India because it has no settlements of its own, the law should be amended to render this possible.

(8) That as regards the smaller States the Foreign and Political Department should be asked to write to the Political Agents or other authorities, inviting them to concert such measures for the more effective control of the criminal tribes as might be possible, having regard to the varying financial and other conditions in the different States.

IV.—Recommendations made to secure more effective administration of the Act in British India.

Paragraph 10. (1) That members of a criminal tribe going from one province to another should be obliged to report themselves to the authorities in the second province. It is doubtful whether this should be effected by a Government of India rule or by rules made by the local Governments. No general rule made should in any sense interfere with the discretion of the local Government in working the Act in a way suited to local conditions. The Act may have to be amended so as to give the Government of India rule-making power, *vide* Part II (3) *supra*.

Paragraphs 20 and 21. (2) That the proposal to have an advisory officer with the Government of India and to have general rules framed by the Government of India should be finally abandoned. The Government of India should indicate to local Governments their general policy in regard to matters affecting more than one province, *e.g.*, the question of migration from one province to another, but should leave it to local Governments to adopt this policy or not as they think fit.

[A Sub-Committee was formed to consider the question of migration. The Sub-Committee recommended that a member of a criminal tribe moving from one province to another should be subject to the rules of the province to which he moved so long as he remained there, *i.e.*, that registration effected in one province should apply throughout India. The local Government into whose territories a criminal tribesman moved would issue a notification under section 10 (*b*) obliging him to notify his residence or any change of residence. No amendment of the law would be required. If, however, the assumption as regards the validity of registration throughout British India in paragraph 4 of Mr. Coupland's separate note was incorrect, then the Act must be amended so as to legalize the procedure suggested in that paragraph.] Appendix. S 12

(3) That where there is a large number of criminal tribes to be controlled, some Government managed settlements are essential as a model. But the value of the work done by private institutions is very great and has this additional advantage that Indian charitable organisations are thereby encouraged to work on their own lines and not to rely entirely on Government. Where there are a few settlements, private agency might well be continued, but where there are many settlements a combination of Government and private institutions tends towards the greatest progress. Paragraph 29.

(4) That there should be some form of control by Government over privately-managed settlements and that where possible that control should be exercised by special officers, so as to ensure continuity and uniformity of policy. Paragraph 30.

(5) That grants to private bodies for recurring expenditure should be either in the form of a lump sum (to be fixed annually or at less frequent intervals) or a capitation grant, the accounts being inspected only by the special officer. Paragraph 32.

(6) That in some provinces industrial settlements are more suitable, but in others agricultural settlements are very successful. In the latter there should always be some form of industrial employment to fall back on in years of famine. In industrial settlements— Paragraph 35.

(*a*) residential enclosures should never be on the employer's property but always on Government property ;

(*b*) the inmates should be given the same wages as free labourers, with bonuses ;

(*c*) they should have the option of taking a reasonable number of holidays in a month, say up to 6 days ;

(*d*) their families should be allowed to stay with them in the settlement ;

(*e*) no one employer should have a monopoly of the labour of a settlement.

The Conference also expressed the opinion that the existing hours of labour in industrial settlements were excessively long.

(7) Under the existing law it is doubtful whether a warder in a settlement, who assists a member of a criminal tribe to escape commits an offence. The question should be examined and the law, if necessary, amended. Paragraph 56.

V.—Miscellaneous.

(1) That the Government of India in the Foreign and Political Department be asked to consider the question of substituting for the Mogya Manual the laws of the States concerned; or where that was not possible, to consider the modification of the Manual to suit modern conditions. Paragraph 23.

(2) That where a settlement makes a profit, the labourers should receive a bonus as an incentive to good work. Paragraph 36.

(3) That the local police should have nothing to do with settlements. Paragraph 38.

(4) That, by reason of the numbers of people and the heavy expenditure involved, universal compulsory settlement was not practicable and that all that could be done was to settle compulsorily the worst characters and especially the wandering gangs. Paragraph 39.

Paragraph 40. (5) That the only method of reclaiming tribes not confined in settlements was by means of the Salvation Army and other societies, who were already doing excellent work in this direction.

Paragraph 42. (6) That there should be a school in every settlement. The form of education should be primary (reading and writing) combined with some industrial teaching (save in cases where there was special literary aptitude). A boarding school should be attached to each settlement where this was possible.

Paragraph 44. (7) That if the Assam Administration could arrange matters with other local Governments, the Government of India would have no objection to criminal tribesmen being sent from other provinces to work in tea gardens in Assam and could order their transfer under section 19 of the Act. In that case the coolies ought not to live in lines under the management of the planter, but should be in a Government settlement.

Paragraph 45. (8) That a separate type of jail for long term habituals would be very useful, but such a jail should be quite distinct and separate from any criminal tribes settlement.

Paragraph 18. (9) That the Advocate-General should be asked to advise as to the correctness of the interpretation put on sections 12 and 16 of the Act by the Government of India in the Home Department letter no. 1319-C., dated the 19th February 1919, to the Government of the United Provinces.

Paragraph 54. (10) That where a special officer is appointed, he should correspond either direct with Government or through one authority.

Paragraph 58. (11) That a small discretionary grant for emergent expenses should be placed at the disposal of the special officer for unforeseen expenditure.

SGPI Delhi—1150 HD—18-2-20—550.

Police. 99-19
SC No-13

To

The Secretary to the Hon'ble
the Resident in Mysore.

Pol 480
29th November 1922

Sir,

With reference to your letter No.768 dated the 20th January 1922, requesting to be informed of the action, if any, taken on Part III of the Summary of Recommendations of the Conference held at Delhi in December 1919, regarding the question of amending the Criminal Tribes Act (III of 1911) and the policy to be followed in administering it, I am directed to state as follows in respect of the several recommendations referred to.

copies put up

The Mysore Criminal Tribes Regulation, 1916, already makes provision in Sections 19 and 20 prohibiting a criminal tribe, declared as such outside Mysore, from entering the State without the written permission of the Inspector General of Police. The object underlying the first recommendation in Part III is served by the said provisions in Mysore and no further action is considered necessary.

The proposal to authorise the settlement of criminal tribes from Indian States in British India is desirable, particularly in respect of States falling under para 7, of which Mysore is one. The necessity for making provision for the transfer of

criminal

criminal tribes from British India to Native States ~~and Vice Versa~~ has been recognised by the Government of India and in the Bill to amend the Indian Criminal Tribes Act introduced into the Legislative Assembly in March last, provision is made (Vide clause 11) for the removal of criminal tribes settled in British India to Native States. Similarly to give effect to the proposal for the rounding up, registration and confinement of wandering criminal tribes which is also acceptable to ~~the Durbar~~ His Highness, provision is made in clauses 6 and 7 of the said Bill. Similar amendments to the Mysore Regulation will be necessary and I am to state that the question of taking legislative action to give effect to the proposals has been kept by, pending the passing of the amending Bill in British India. Paras 3, 5, 6 and 8 of Part III of the Summary do not call for any remarks.

I have, etc.,

17/11/22

General Secretary.

KNN